

AUSTIN CITY COUNCIL  
**AGENDA**



Thursday, May 25, 2006

Back

# 69PH

**Zone Hearings/App Ordinances/Restrictive Covenants  
RECOMMENDATION FOR COUNCIL ACTION**

**Subject:** C14-06-0012 - 505 Deep Eddy - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 505 Deep Eddy Avenue (Johnson Creek Watershed) from family residence (SF-3) district zoning to neighborhood office (NO) district zoning. (not recommended by staff) Zoning and Platting Commission Recommendation: To deny neighborhood office (NO) district zoning. Applicants: Pete Fajkowski and Mike Morales. Agent: Minter, Joseph & Thornhill (John Joseph Sr.). City Staff: Jorge E. Rousselin, 974-2975. A valid petition has been filed in opposition to this rezoning request.

<b>Additional Backup Material</b>
(click to open)
<input type="checkbox"/> Staff Report
<input type="checkbox"/> Staff report part 2
<input type="checkbox"/> Staff report part 3

**For More Information:** Jorge E. Rousselin, 974-2975

**ZONING REVIEW SHEET****CASE:** C14-06-0012**Z.A.P. DATE:** March 21, 2006**ADDRESS:** 505 Deep Eddy Avenue**OWNER:** Pete Fajkowski and Mike Morales**AGENT:** Minter, Joseph & Thornhill  
(John Joseph Sr.)**REZONING FROM:** SF-3 (Family residence district)**TQ:** NO (Neighborhood Office)**AREA:** 0.174 Acres (7,622 square feet)**SUMMARY ZONING AND PLATTING RECOMMENDATION:***March 21, 2006:***APPROVED STAFF'S RECOMMENDATION TO DENY REQUEST FOR NO DISTRICT ZONING.****[J.PINNELLI, C.HAMMOND 2<sup>ND</sup>] (8-0) J.MARTINEZ – ABSENT***\*Commissioner Baker directed staff to look into whether there was any violation of the Code; that if a remodeling permit was pulled, and another permit was not subsequently pulled when a new house was built. Commission felt that it should be an inquiry to the building official.***SUMMARY STAFF RECOMMENDATION:**

Staff recommends denial of NO (Neighborhood Office) district zoning.

**ISSUES:**

An existing house was relocated from the property under permit No. 04019110 on December 28, 2004 (Please see attachment A). A remodeling permit was obtained for remodeling of foundation and interior existing residence under permit No. 05005224 on March 31, 2005 (Please see attachment B). On November 16, 2005, a permit was granted for remodeling the existing single-family residence moved on lot and the addition of 2<sup>nd</sup> floor and breezeway and attached garage to create a duplex under permit No. 05020701 (Please see attachment C). A stop work order has been issued on this address on April 7, 2006.

The construction of the existing 3,500 square foot duplex was done with a remodeling permit. The applicant requested and was granted a remodeling permit after the previous placement of a home on the site failed to maintain the structural integrity. The home was partially demolished and eventually the entire structure was razed with the exception of the foundation. The foundation was eventually replaced and a new foundation placed. The Zoning and Platting Commission requested that the building official look into potential City Code violations relating to the granting of a building permit for a remodel. A valid petition has been filed with 64.16% opposition.

On May 8, 2006, the Board of Adjustment postponed action to June 12, 2006 on a variance to the Land Development Code for Section 25-2-492(D) regarding an increase to impervious cover from 45% to 70% in order to add employee parking on site for a duplex residential use with a home occupation use in an "SF-3" – Family residence zoning district.

**DEPARTMENT COMMENTS:**

The subject rezoning area is a 0.174 acre (7,622 square feet) site fronting Deep Eddy Avenue zoned SF-3. There exists a 3,500 square foot duplex on the site accessed via the abutting alley to the south

and Deep Eddy Avenue. The applicant proposes to rezone the property to NO allow for a mortgage office. Staff recommends denial of NO based on the following considerations:

- 1.) The proposed land use will not be compatible with the existing surrounding single-family residential uses along the north and east property line;
- 2.) The proposed office will be of detriment to the residential character of the established neighborhood;
- 3.) The existing alley abutting the southern property line of the subject property is the established transition between the commercial and residential land uses.
- 4.) New office and commercial uses should be maintained along Lake Austin Boulevard and deterring further encroachment of office and commercial uses into the neighborhood; and
- 5.) Vehicle circulation to this site may create an undue burden on existing traffic patterns into the established neighborhood via an existing local street;

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	SF-3	Duplex
<i>North</i>	SF-3	Single family residence
<i>South</i>	LR / GR-CO	Restaurants
<i>East</i>	SF-3	Single family residence
<i>West</i>	LR / GR-CO	Office / Service Station

**AREA STUDY:** N/A

**TIA:** N/A

**WATERSHED:** Johnson Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**SCENIC ROADWAY:** YES

**NEIGHBORHOOD ORGANIZATIONS:**

- West Austin Neighborhood Group
- Austin Neighborhoods Council
- Austin Independent School District

**SCHOOLS:**

Austin Independent School District

- Casis Elementary School
- O. Henry Middle School
- Austin High School

**RELATED CASES:** N/A

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0058	SF-3 to NO	05/06/03: ZAP DENIED STAFF REC OF NO-MU (8-0).	11/06/03: DENIED NO-MU-CO (6-1, DT-NO).
C14-99-0105	SF-3 to GR-CO	07/13/99: PC APVD GR (7-0).	07/15/99: APVD GR-CO (6-0) 1ST RDG.  08/26/99: APVD GR-CO

			<p>W/CONDS (7-0) 2ND/3RD RDG.</p> <p>CO:</p> <ul style="list-style-type: none"> <li>▪ No vehicular access to Lake Austin Blvd.</li> <li>▪ Limited to LR standards &amp; regs.</li> </ul> <p>Prohibited uses:</p> <ul style="list-style-type: none"> <li>▪ Automotive rentals</li> <li>▪ Automotive repair services</li> <li>▪ Commercial off-street parking</li> <li>▪ Financial services</li> <li>▪ Hotel-motel</li> <li>▪ Medical offices</li> <li>▪ Pawn shop services</li> <li>▪ Restaurant (general)</li> <li>▪ Day care services (commercial)</li> <li>▪ Hospital services</li> <li>▪ Automotive sales</li> <li>▪ Automotive washing (of any type)</li> <li>▪ Exterminating services</li> <li>▪ Funeral services</li> <li>▪ Indoor entertainment</li> <li>▪ Outdoor sports and recreation</li> <li>▪ Pet services</li> <li>▪ Service station</li> <li>▪ Guidance services</li> </ul>
C14H-01-0010	P to P-H	09/11/01: ZAP APVD P-H BY CONSENT (7-0).	09/27/01: APVD P-H (7-0); ALL 3 RDGS.
C14H-00-0008	SF-3 to SF-3-H	08/07/01: PP INDEF (STAFF); (9-0)	WITHDRAWN

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Deep Eddy	42'	24'	Local	No	No	No

**CITY COUNCIL DATE:**

April 20, 2006  
May 18, 2006

**ACTION:**

Postponed by Applicant's agent to May 18, 2006

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

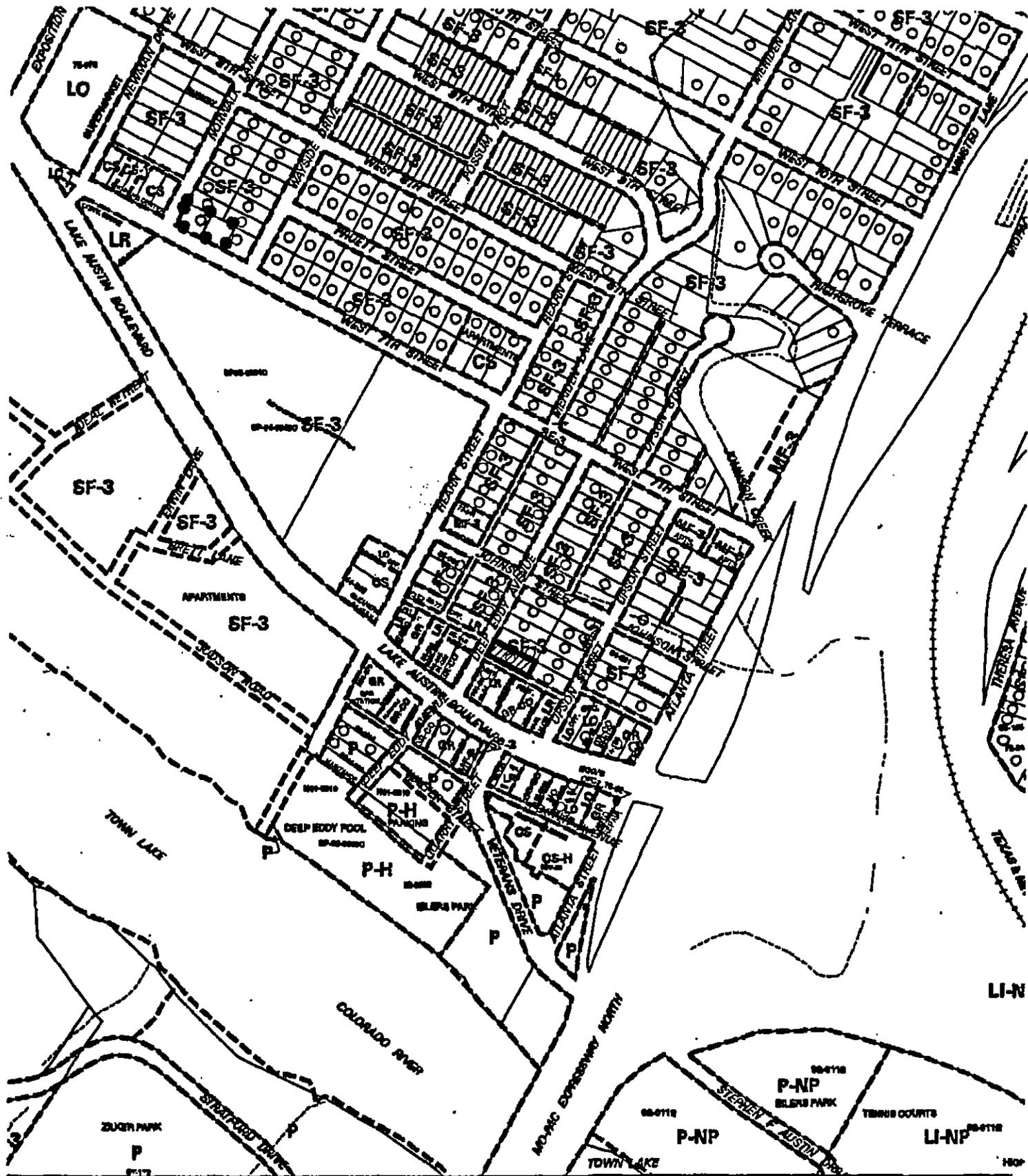
3<sup>rd</sup>

**ORDINANCE NUMBER:**

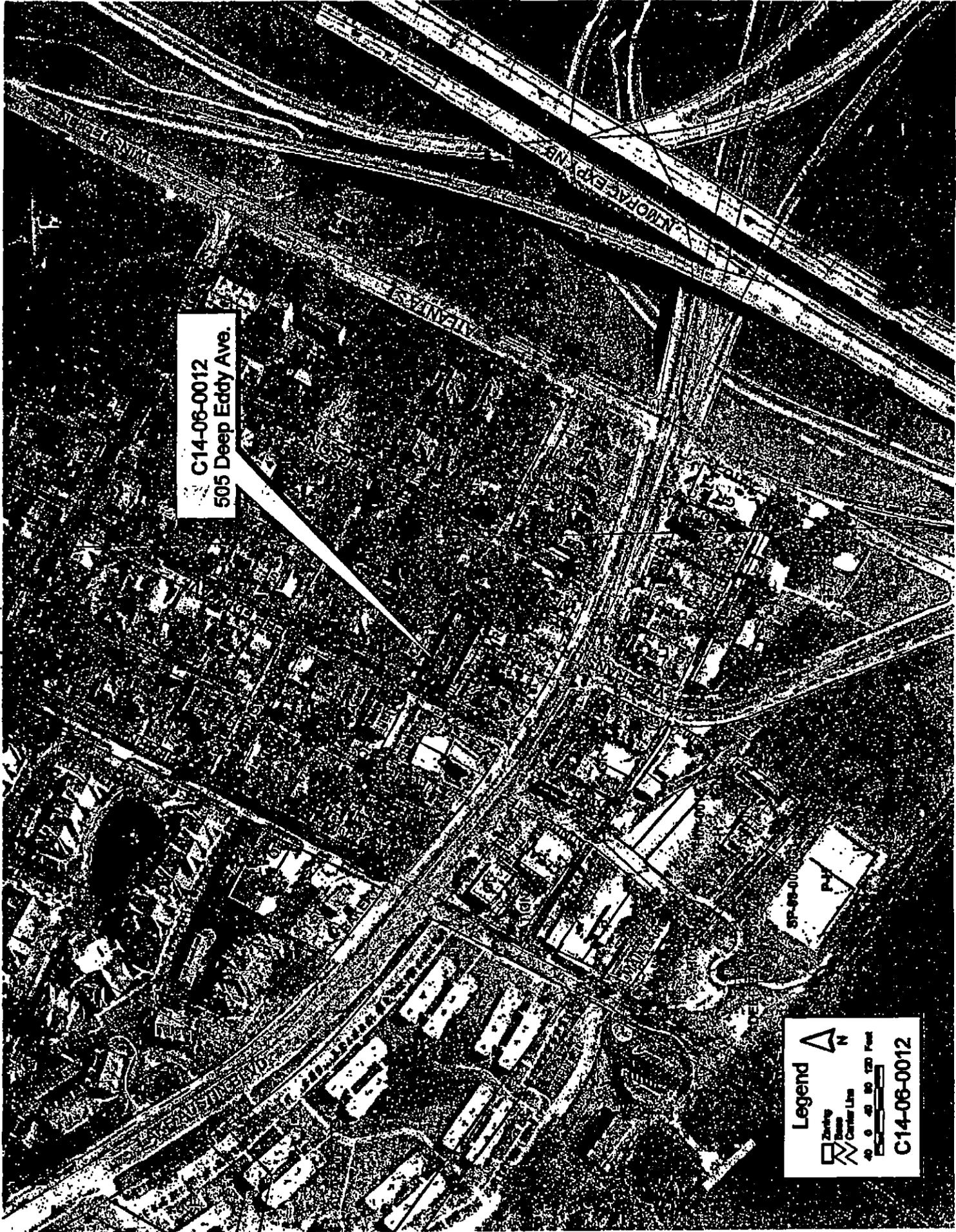
**CASE MANAGER:** Jorge E. Rousselin, NPZD

**PHONE:** 974-2975

**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)



 1" = 400'	<b>SUBJECT TRACT</b> 	<b>ZONING</b>  <b>CASE #: C14-06-0012</b> <b>ADDRESS: 808 DEEP EDDY AVE</b> <b>SUBJECT AREA (acres): 0.174</b>	<b>DATE: 06-02</b>  <b>INTLS: SM</b>	<b>CITY GRID REFERENCE NUMBER</b>  <b>G23</b>
	<b>PENDING CASE</b> 			
	<b>ZONING BOUNDARY</b> 			
	<b>CASE MGR: J.ROUSSELIN</b>			



C14-06-0012  
505 Deep Eddy Ave.

**Legend**

- Zoning
- Easement
- Center Line

0 50 100 Feet

C14-06-0012

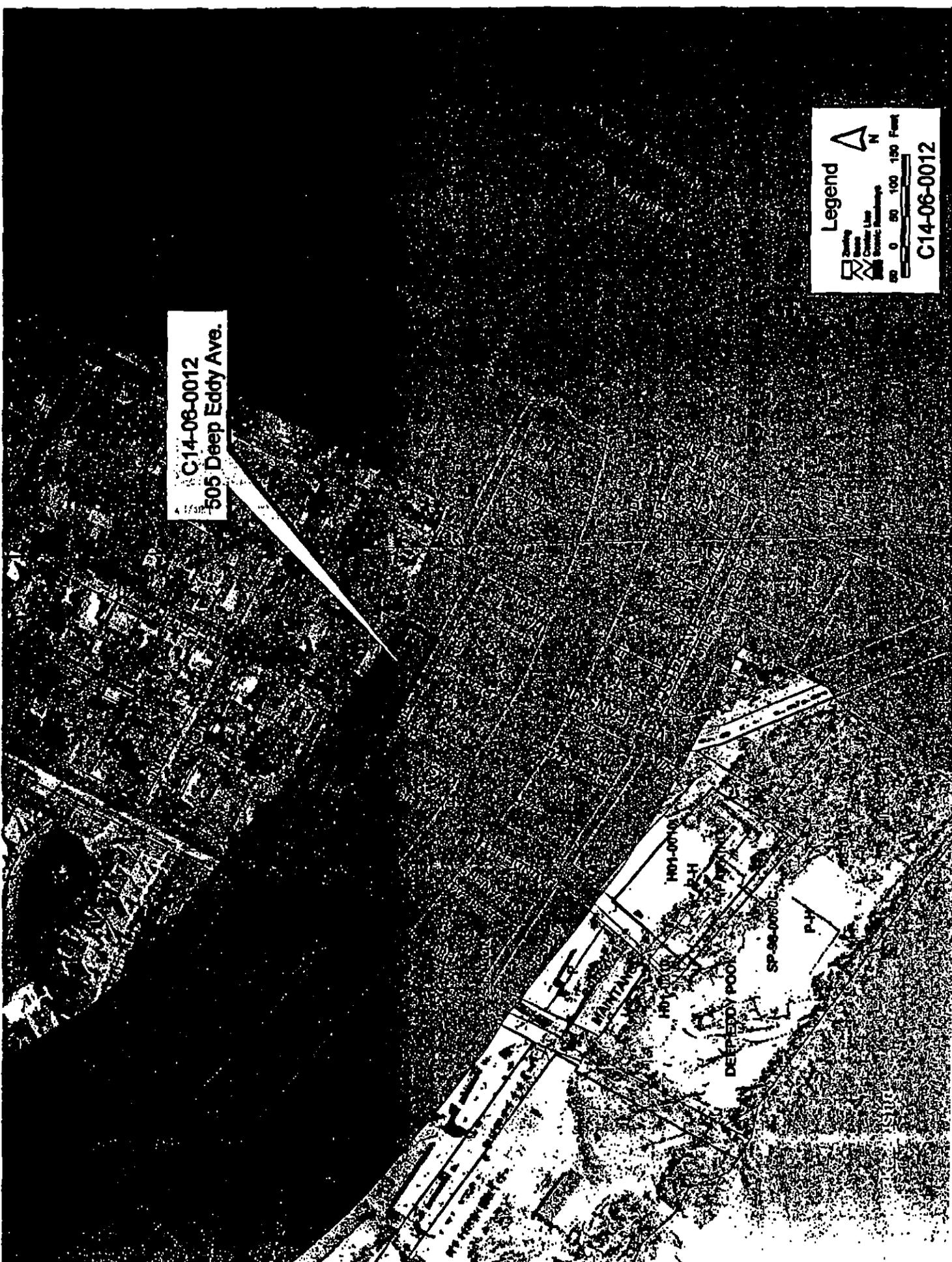
C14-06-0012  
505 Deep Eddy Ave.

**Legend**

- Property Line
- Water
- Public Right-of-Way

0 50 100 150 Feet

C14-06-0012



**STAFF RECOMMENDATION**

Staff recommends denial of NO (Neighborhood Office) district zoning.

**BASIS FOR RECOMMENDATION*****1. The proposed zoning should be consistent with the purpose statement of the district sought.***

Neighborhood office (NO) district is the designation for a small office use that serves neighborhood or community needs, is located in or adjacent to a residential neighborhood and on a collector street that has a width of 40 feet or more, and does not unreasonably affect traffic. An office in an NO district may contain not more than one use. Site development regulations applicable to an NO district use are designed to preserve compatibility with existing neighborhoods through renovation and modernization of existing structures.

The proposed rezoning does not meet the purpose statement of the district sought. Although located adjacent to an established neighborhood, the proposed district requires a collector street with a minimum of 40 feet in width. The roadway width for Deep Eddy Avenue, a local residential street, is 24 feet. Staff has a concern on potential through traffic into the neighborhood from additional office- or commercial land uses.

***2. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.***

The proposed rezoning will have a detrimental land use impact on the adjacent residential properties to the north and east. Furthermore, the introduction of more intensive land uses may infringe on the residential character of the neighborhood.

**EXISTING CONDITIONS****Site Characteristics**

The subject rezoning area is a 0.174 acre (7,622 square feet) site fronting Deep Eddy Avenue zoned SF-3. There exists a 3,500 square foot duplex on the site accessed via the abutting alley to the south and Deep Eddy Avenue.

**Transportation**

1. No additional right-of-way is needed at this time.
2. The trip generation under the requested zoning is estimated to be 180 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).
3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

**Environmental**

1. The site is located over the northern Edwards Aquifer Recharge Zone. The site is located in the Johnson Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**Water and Wastewater**

1. The site is served with City of Austin water and wastewater utilities.
2. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility adjustments, or relocation are required, the landowner, at own expense, will be responsible for providing.
3. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility.
4. The plan must be in accordance with the City design criteria.
5. The water and wastewater utility construction must be inspected by the City.
6. The landowner must pay the associated and applicable City fees.

**Site Plan and Compatibility Standards**

1. The site is subject to compatibility standards. Along the north and east property lines, the following standards apply:
  - No structure may be built within 15 feet of the side and rear property lines.
  - The front building set back is 25' feet.
  - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
  - No parking is allowed within 5 feet of the property line.
  - There is not a setback for driveways.
  - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
  - Additional design regulations will be enforced at the time a site plan is submitted.
2. This site would be required to comply with the Scenic Roadway Corridor ordinance Section 25-10-6, since it is located within the Lake Austin Boulevard corridor.



# CITY OF AUSTIN - PROJECT PERMIT

Printed: 29 March 2006

PERMIT NO.  
04019110

STATUS  
ACTIVE

TYPE  
R

ADDRESS  
805 DEEP EDDY AVE

DATE  
28-DEC-04

SUBDIVISION CHARLES JOHNSON ADDN						PERMIT CLERK MRODRIGUEZ				
PLAT		BLOCK 5		LOT 5		GRID MG23				
ZONE SF3	HT. & AREA	REQD.	PARKING PROVD.	PROPOSED OCCUPANCY RELOCATE HOUSE TO 1603 ULIT						
SPECIAL PERMIT NO.		TOTAL SQ. FT.		VALUATION	TYPE CONST.	USE CAT. G3-1	GROUP	FLOORS 1	BEDS 1	UNITS 1
WORK PERMITTED			BASEMENT N	BUILDING DIMENSIONS				MIN. STD. N	GRR N	

C O N T R A C T O R S	OWNER/CONTR.	PHONE	FEE	PAID DATE	REQUIRED INSPECTIONS
	BUILDING	MILLER HOUSE MOVERS	845-8124	\$44	12/28/2004
ELECTRICAL					
MECHANICAL					
PLUMBING					
SIDEWALK/DRIVE					
SIGN					
ROOF / SIDE					
ELEC SERVICE FEE					
PLAN CHECK FEE					
		NET FEE	TOTAL FEE \$44	TOTAL PAID \$44	

C.O. MAILING ADDRESS

Approval of the final plumbing inspection, if required, serves as completion and approval of a customer service inspection, as required by 30 T.A.C. 29.46 (i).

REMARKS: ZONING REVIEW KWATERS OK PER STEVE BADOWSKY

BY TAKING AND/OR PAYING FOR THIS PERMIT APPLICATION, YOU ARE DECLARING YOU ARE THE OWNER OR HAVE BEEN AUTHORIZED BY THE OWNER OR OWNERS TO SUBMIT THIS APPLICATION, THAT THE GIVEN DATA ARE TRUE FACTS AND THAT THE WORK WILL CONFORM TO THE PLANS AND SPECIFICATIONS SUBMITTED HEREWITH:

THIS IS A RECEIPT OF PAYMENT FOR FEE OR FEES AS MARKED PAID.

TO SCHEDULE AN INSPECTION, CALL 460-0623.

ATTACHMENT A



# CITY OF AUSTIN - PROJECT PERMIT

Printed: 29 March 2006

PERMIT NO.  
04018110

STATUS  
ACTIVE

TYPE  
R

ADDRESS  
505 DEEP EDDY AVE

DATE  
28-DEC-04

SUBDIVISION CHARLES JOHNSON ADDN						PERMIT CLERK MRODRIGUEZ			
PLAT	BLOCK .5	LOT 5			GRID MG23				
ZONE SF3	HT. & AREA	REQD.	PARKING PROVD.	PROPOSED OCCUPANCY RELOCATE HOUSE TO 1603 ULIT					
SPECIAL PERMIT NO.	TOTAL SQ. FT.	VALUATION	TYPE CONST.	USE CAT. G3-1	GROUP	FLOORS 1	BLDGS 1	UNITS 1	
WORK PERMITTED		BASEMENT N	BUILDING DIMENSIONS				MIN. STD. N	ONR N	

TYPE	DATE	STATUS	FAILURES	INSPECTOR	CODE
Layout					101
Plumbing Rough					501
Plumbing Sewer					505
Plumbing Copper					502
Plumbing Gas					504
Foundation					102
Framing					103
Insulation/Energy					601
Plumbing Top Out					503
Mechanical Rough					401
Mechanical Vent					402
Electrical Slab					301
Electric Rough					302
Wallboard					104
Sidewalk Prepour					201
Driveway Prepour					202
Final Building					706
Final Electric					701
Final Mechanical					703
Final Plumbing					702
Final Energy					704
Final Concrete					705
Final Sign					707
FINAL LANDSCAPING ENGINEERING WATER SEWER FIRE HEALTH	Admin Holds: NONE		Review Date		
	Remarks:				

FINAL DATE

TO SCHEDULE AN INSPECTION, CALL 480-0623.



CITY OF AUSTIN - PROJECT PERMIT

Printed: 29 March 2006

PERMIT NO.  
04019110

STATUS  
ACTIVE

TYPE  
R

ADDRESS  
505 DEEP EDDY AVE

DATE  
28-DEC-04

SUBDIVISION CHARLES JOHNSON ADDN						PERMIT CLERK MRODRIGUEZ								
PLAT		BLOCK 5		LOT 5		GRID MG23								
ZONE SF3		HT. & AREA		REQD.		PARKING PROVD.		PROPOSED OCCUPANCY RELOCATE HOUSE TO 1603 ULIT						
SPECIAL PERMIT NO.			TOTAL SQ. FT.		VALUATION		TYPE CONST.		USE CAT. G3-1		GROUP	FLOORS 1	BLDG 1	UNITS 1
WORK PERMITTED				BASEMENT N		BUILDING DIMENSIONS						MIN. STD. N	CON. N	

<b>C O N T R A C T O R S</b>	OWNER/CONTR.			PHONE			FEE			PAID DATE			REQUIRED INSPECTIONS					
	BUILDING			MILLER HOUSE MOVERS			845-8124			\$44			12/28/2004			BUILDING		
	ELECTRICAL																	
	MECHANICAL																	
	PLUMBING																	
	SIDEWALK/DRIVE																	
	SIGN																	
	ROOF / SIDE																	
ELEC SERVICE FEE																		
PLAN CHECK FEE																		
						ETJ FEE			TOTAL FEE			TOTAL PAID						
									\$44			\$44						

C.O. MAILING ADDRESS

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REMARKS: ZONING REVIEW KWATERS OK PER STEVE BADOWSKY

BY TAKING AND/OR PAYING FOR THIS PERMIT APPLICATION, YOU ARE DECLARING YOU ARE THE OWNER OR HAVE BEEN AUTHORIZED BY THE OWNER OR OWNERS TO SUBMIT THIS APPLICATION, THAT THE GIVEN DATA ARE TRUE FACTS AND THAT THE WORK WILL CONFORM TO THE PLANS AND SPECIFICATIONS SUBMITTED HEREWITH:

THIS IS A RECEIPT OF PAYMENT FOR FEE OR FEES AS MARKED PAID.

TO SCHEDULE AN INSPECTION, CALL 480-0623.



# CITY OF AUSTIN - PROJECT PERMIT

Printed: 29 March 2006

PERMIT NO.  
04019110

STATUS  
ACTIVE

TYPE  
R

ADDRESS  
505 DEEP EDDY AVE

DATE  
28-DEC-04

SUBDIVISION CHARLES JOHNSON ADDN						PERMIT CLEAR MRODRIGUEZ			
PLAT	BLOCK	LOT		GRID					
	5	5		MG23					
ZONE SF3	HT. & AREA	REDD.	PARKING PROVD.	PROPOSED OCCUPANCY RELOCATE HOUSE TO 1803 ULIT					
SPECIAL PERMIT NO.	TOTAL SQ. FT.	VALIDATION	TYPE CONST.	USE CAT. G3-1	GROUP	FLOORS 1	BLDGS 1	UNITS 1	
WORK PERMITTED		BASEMENT N	BUILDING DIMENSIONS				MIN. BTD. N	DNR N	

TYPE	DATE	STATUS	FAILURES	INSPECTOR	CODE
Layout					101
Plumbing Rough					501
Plumbing Sewer					505
Plumbing Copper					502
Plumbing Gas					504
Foundation					102
Framing					103
Insulation/Energy					601
Plumbing Top Out					503
Mechanical Rough					401
Mechanical Vent					402
Electrical Slab					301
Electric Rough					302
Wallboard					104
Sidewalk Prepour					201
Driveway Prepour					202
Final Building					706
Final Electric					701
Final Mechanical					703
Final Plumbing					702
Final Energy					704
Final Concrete					705
Final Sign					707
FINAL					
LANDSCAPING					
ENGINEERING					
WATER					
SEWER					
FIRE					
HEALTH					
			Admin Holds: NONE	Review Date	
			Remarks:		

FINAL DATE

TO SCHEDULE AN INSPECTION, CALL 480-0623.



CITY OF AUSTIN - PROJECT PERMIT

Printed: 29 March 2006

PERMIT NO.  
05005224

STATUS  
DORMANT

TYPE  
R

ADDRESS  
505 DEEP EDDY AVE

DATE  
31-MAR-05

SUBDIVISION CHARLES JOHNSON ADDITION LOT 5 BLOCK S						PERMIT CLERK GWILSFORD				
FLAT		BLOCK S		LOT 5		GRID MG23				
ZONE SF3	HT. & AREA	RECD.	PARKING PROVD.	PROPOSED OCCUPANCY REMODEL FOUNDATION & INTERIOR EXISTING RESIDENCE						
SPECIAL PERMIT NO.		TOTAL SQ. FT.		VALUATION \$15,000	TYPE CONST.	USE CAT. R4-2	GROUP	FLOORS	BLDG 1	UNITS
WORK PERMITTED			BASEMENT N	BUILDING DIMENSIONS				MIL STD. N	CON N	

C O N T R A C T O R S	OWNER/CONTR.	MGE DEVELOPMENT	PHONE	FEE	PAID DATE	REQUIRED INSPECTIONS
	BUILDING	MGE DEVELOPMENT INC.	203-5774			
ELECTRICAL		897-8864	\$64	03/31/2005		
MECHANICAL			\$29			
PLUMBING			\$55			
SIDEWALK/DRIVE			\$29			
SIGN			\$22			
ROOF / SIDE						
ELEC SERVICE FEE						
PLAN CHECK FEE						
			ETJ FEE	TOTAL FEE	TOTAL PAID	
				\$199	\$64	

C.O. MAILING ADDRESS

Approval of the final plumbing inspection, if required, serves as completion and approval of a customer service inspection, as required by 90 T.A.C. 29.46 (j).

REMARKS: ZONING: MBR108ES. EXISTING IMPERVIOUS & BUILDING COVERAGE \*\*NO ACTIVITY PER JIM DILLINGER 10/17/05CC\*\*

BY TAKING AND/OR PAYING FOR THIS PERMIT APPLICATION, YOU ARE DECLARING YOU ARE THE OWNER OR HAVE BEEN AUTHORIZED BY THE OWNER OR OWNERS TO SUBMIT THIS APPLICATION, THAT THE GIVEN DATA ARE TRUE FACTS AND THAT THE WORK WILL CONFORM TO THE PLANS AND SPECIFICATIONS SUBMITTED HEREWITH:

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TO SCHEDULE AN INSPECTION, CALL 480-0623.

ATTACHMENT B





CITY OF AUSTIN - PROJECT PERMIT

Printed: 29 March 2006

PERMIT NO.  
05005224

STATUS  
DORMANT

TYPE  
R

ADDRESS  
505 DEEP EDDY AVE

DATE  
31-MAR-05

SUBDIVISION CHARLES JOHNSON ADDITION LOT 5 BLOCK S						PERMIT CLERK GWILSFORD			
PLAT	BLOCK S	LOT 5				GRID MG23			
ZONE SF3	HT. & AREA	REGD.	PARKING PROVD.	PROPOSED OCCUPANCY REMODEL FOUNDATION & INTERIOR EXISTING RESIDENCE					
SPECIAL PERMIT NO.	TOTAL SQ. FT.	VALUATION \$15,000	TYPE CONST.	USE. CAT. R4-2	GROUP	FLOORS	BLDGS 1	UNITS	
WORK PERMITTED			BASEMENT N	BUILDING DIMENSIONS				MIN. STD. N	CUR N

<b>C O N T R A C T O R S</b>	OWNER/CONTR.	MGE DEVELOPMENT	PHONE 203-5774	FEE	PAID DATE	<b>REQUIRED INSPECTIONS</b>  BUILDING MECHANICAL ELECTRIC PLUMBING CONCRETE
	BUILDING	MGE DEVELOPMENT INC.	697-9864	\$64	03/31/2005	
	ELECTRICAL			\$28		
	MECHANICAL			\$55		
	PLUMBING			\$29		
	SIDEWALK/DRIVE			\$22		
	SIGN					
ROOF / SIDE						
ELEC SERVICE FEE						
PLAN CHECK FEE						
			ETJ FEE	TOTAL FEE \$199	TOTAL PAID \$64	

C.O. MAILING ADDRESS

Approval of the final plumbing inspection, if required, serves as completion and approval of a customer service inspection, as required by 30 T.A.C. 29.46 (i).

REMARKS: ZONING: NBR10ES. EXSTING IMPERVIOUS & BUILDING COVERAGE \*\*NO ACTIVITY PER JIM DILLINGER 10/17/06CC\*\*\*

BY TAKING AND/OR PAYING FOR THIS PERMIT APPLICATION, YOU ARE DECLARING YOU ARE THE OWNER OR HAVE BEEN AUTHORIZED BY THE OWNER OR OWNERS TO SUBMIT THIS APPLICATION, THAT THE GIVEN DATA ARE TRUE FACTS AND THAT THE WORK WILL CONFORM TO THE PLANS AND SPECIFICATIONS SUBMITTED HEREWITH:

THIS IS A RECEIPT OF PAYMENT FOR FEE OR FEES AS MARKED PAID.

TO SCHEDULE AN INSPECTION, CALL 480-0823.





CITY OF AUSTIN - PROJECT PERMIT

Printed: 10 April 2008

PERMIT NO.  
05020701

STATUS  
DORMANT

TYPE  
R

ADDRESS  
505 DEEP EDDY AVE

DATE  
16-NOV-05

SUBDIVISION LOT 5 BLK 5 JOHNSON CHARLES ADDN						PERMIT CLERK GWILSFORD			
PLAT	BLOCK 5	LOT 5				GRID MG23			
ZONE SF-3	HT. & AREA	REGD.	PARKING PROVD.	PROPOSED OCCUPANCY REMODEL EXIST SF RES MOVED ON TO LOT, ADD 2ND FLR & BREEZEWAY ATTACHED GARAGE TO CREATE DUPLEX **SEE COMM					
SPECIAL PERMIT NO.	TOTAL SQ. FT. 3398	VALUATION \$58,000	TYPE CONST.	USE CAT. A2-5	GROUP	FLOORS 2	BLDG 1	UNITS 2	
WORK PERMITTED ADDITION REMODEL			BASEMENT N	BUILDING DIMENSIONS				MIN. STD. N	CONC. N

C O N T R A C T O R S	OWNER/CONTR.	PHONE	FEE	PAID DATE	REQUIRED INSPECTIONS
	BUILDING	MGE DEVELOPMENT, INC.	476-5900	\$515	
ELECTRICAL	ROBERT M MORRIS		\$259	12/07/2005	
MECHANICAL	MARK MCCANDLESS		\$149	12/22/2005	
PLUMBING	JOSEPH L. HOLMAN		\$186	12/13/2005	
SIDEWALK/DRIVE					
SIGN					
ROOF / SIDE					
ELEC SERVICE FEE					
PLAN CHECK FEE					
			ETJ FEE	TOTAL FEE	TOTAL PAID
				\$1,109	\$1,109

C.O. MAILING ADDRESS

Approval of the final plumbing inspection, if required, serves as completion and approval of a customer service inspection, as required by 30 T.A.C. 29.46 (f).

REMARKS: LC. 2897-36%, B.C. 2263-30%, TOTAL GFA-37178SF. SIX BEDROOMS TOTAL, THREE OFF-STREET PARKING SPACES REQ'D DUE TO THE 20% REDUCTION IN PARKING FOR THE URBAN CORE RESIDENCE WAS MOVED FROM 3221 GILBERT. 20' DW APPROACH. ZON REV. JOI HARDENVA STOP WORK ORDER WAS ISSUED ON THIS ADDRESS/ DO NOT MAKE ANY CHANGES ON THIS PERMIT W/O UPPER MANAGEMENT APPROVAL!!!! DEMO PERMIT REQUIRED MUST MEET NEW DEVELOPMENT REGS & MUST OBTAIN A VARIANCE 4-7-06SB

BY TAKING AND/OR PAYING FOR THIS PERMIT APPLICATION, YOU ARE DECLARING YOU ARE THE OWNER OR HAVE BEEN AUTHORIZED BY THE OWNER OR OWNERS TO SUBMIT THIS APPLICATION, THAT THE GIVEN DATA ARE TRUE FACTS AND THAT THE WORK WILL CONFORM TO THE PLANS AND SPECIFICATIONS SUBMITTED HEREWITH:

THIS IS A RECEIPT OF PAYMENT FOR FEE OR FEES AS MARKED PAID.

TO SCHEDULE AN INSPECTION, CALL 480-0623.

ATTACHMENT C



# CITY OF AUSTIN - PROJECT PERMIT

Printed: 10 April 2006

PERMIT NO.  
05020701

STATUS  
DORMANT

TYPE  
R

ADDRESS  
605 DEEP EDDY AVE

DATE  
16-NOV-05

SUBDIVISION LOT 5 BLK 5 JOHNSON CHARLES ADDN						PERMIT CLERK GWILSFORD		
PLAT	BLOCK 5	LOT 5				GRID MG23		
ZONE SF-3	HT. & AREA	REDD.	PARKING PROVD.	PROPOSED OCCUPANCY REMODEL EXIST SF RES MOVED ON TO LOT, ADD 2ND FLR & BREEZEWAY ATTACHED GARAGE TO CREATE DUPLEX **SEE COMM				
SPECIAL PERMIT NO.	TOTAL SQ. FT. 3398	VALUATION \$58,000	TYPE CONST.	USE. CAT. A2-5	GROUP	FLOORS 2	BLDGS 1	UNITS 2
WORK PERMITTED ADDITION REMODEL		BASEMENT N	BUILDING DIMENSIONS				MIN. STD. N	CCR N

TYPE	DATE	STATUS	FAILURES	INSPECTOR	CODE
Layout	02/03/2006	FAIL	2	CROFT	101
Plumbing Rough	02/03/2006	PASS	3	CROFT	501
Plumbing Sewer	02/03/2006	PASS	3	CROFT	505
Plumbing Copper	02/03/2006	PASS	3	CROFT	502
Plumbing Gas	02/09/2006	FAIL	6	CROFT	504
Foundation	02/03/2006	TEMP	1	CROFT	102
Framing	02/14/2006	PASS	3	CROFT	103
Insulation/Energy	02/03/2006	PASS		CROFT	601
Plumbing Top Out	02/09/2006	FAIL	6	CROFT	503
Mechanical Rough	02/03/2006	PASS	2	CROFT	401
Mechanical Vent	02/03/2006	PASS	2	CROFT	402
Electrical Slab	02/03/2006	FAIL	3	THOMPSON	301
Electric Rough	02/06/2006	PASS	5	THOMPSON	302
Wallboard	02/14/2006	PASS		CROFT	104
Sidewalk Prepour					201
Driveway Prepour					202
Final Building					706
Final Electric	04/04/2006	FAIL	2	THOMPSON	701
Final Mechanical					703
Final Plumbing	03/31/2006	FAIL	1	CROFT	702
Final Energy					704
Final Concrete					705
Final Sign					707
FINAL					
LANDSCAPING					
ENGINEERING					
WATER					
SEWER					
FIRE					
HEALTH					

Admin Holds: RESIDENTIAL ZONING      Review Date

Remarks:

FINAL DATE

TO SCHEDULE AN INSPECTION, CALL 460-0823.





# CITY OF AUSTIN - PROJECT PERMIT

Printed: 10 April 2006

PERMIT NO.  
05020701

STATUS  
DORMANT

TYPE  
R

ADDRESS  
505 DEEP EDDY AVE

DATE  
16-NOV-05

SUBDIVISION LOT 5 BLK 5 JOHNSON CHARLES ADDN						PERMIT CLERK GWILSFORD			
PLAT	BLOCK	LOT		GRID					
	5	5		MG23					
ZONE SF-3	HT. & AREA	RECD.	PARKING PROVD.	PROPOSED OCCUPANCY REMODEL EXIST SF RES MOVED ON TO LOT, ADD 2ND FLR & BREEZEWAY ATTACHED GARAGE TO CREATE DUPLEX **SEE COMM					
SPECIAL PERMIT NO.	TOTAL SQ. FT.	VALUATION	TYPE CONST.	USE CAT.	GROUP	FLOORS	BUDGS	UNITS	
	3398	\$58,000		A2-5		2	1	2	
WORK PERMITTED ADDITION REMODEL		BASEMENT N	BUILDING DIMENSIONS				MIN. STD. N	GRH N	

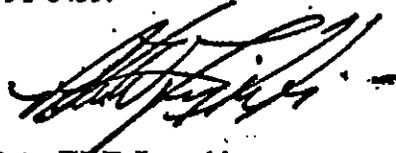
TYPE	DATE	STATUS	FAILURES	INSPECTOR	CODE
Layout	02/03/2008	FAIL	2	CROFT	101
Plumbing Rough	02/03/2008	PASS	3	CROFT	501
Plumbing Sewer	02/03/2008	PASS	3	CROFT	505
Plumbing Copper	02/03/2008	PASS	3	CROFT	502
Plumbing Gas	02/09/2006	FAIL	6	CROFT	504
Foundation	02/03/2008	TEMP	1	CROFT	102
Framing	02/14/2006	PASS	3	CROFT	103
Insulation/Energy	02/03/2008	PASS		CROFT	601
Plumbing Top Out	02/09/2006	FAIL	6	CROFT	503
Mechanical Rough	02/03/2008	PASS	2	CROFT	401
Mechanical Vent	02/03/2008	PASS	2	CROFT	402
Electrical Slab	02/03/2008	FAIL	3	THOMPSON	301
Electric Rough	02/06/2006	PASS	5	THOMPSON	302
Wallboard	02/14/2006	PASS		CROFT	104
Sidewalk Prepour					201
Driveway Prepour					202
Final Building					706
Final Electric	04/04/2008	FAIL	2	THOMPSON	701
Final Mechanical					703
Final Plumbing	03/31/2008	FAIL	1	CROFT	702
Final Energy					704
Final Concrete					705
Final Sign					707
FINAL DATE		Admin Holds: RESIDENTIAL ZONING      Review Date			
Remarks:					

TO SCHEDULE AN INSPECTION, CALL 480-0623.

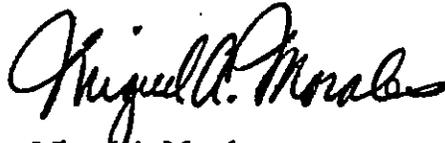
To Whom It May Concern:

We, Pete Fajkowski and Mike Morales, have purchased the property located at 505 Deep Eddy. The property was purchased by us on ~~(date)~~ *April 5, 2006*

We request that the current zoning case, C14-06-0012, be changed to reflect the new ownership and that city records indicate that we will be represented by Luci Gallahan, 791-6439.



Peter W. Fajkowski  
Owner  
Mortgage Portfolio Services  
Outsmart Holdings, LLC



Miguel A. Morales  
Owner  
Mortgage Portfolio Services  
Outsmart Holdings, LLC

**RECEIVED**

APR 10 2006

Neighborhood Planning & Zoning

**RECEIVED**

APR 10 2006

April 7, 2006

Dear Mayor and Council Members:

Neighborhood Planning & Zoning

RE: 505 Deep Eddy – Case No. C14-06-0012  
Zoning change from SF-3 to NO

On behalf of Pete Fajkowski and Mike Morales, recent owners of this property, I am requesting that Council favorably consider this zoning change for the following reasons:

- Commercial uses are on two sides (south and west sides) of this lot including 2 restaurants, one of which is open 24 hours,
- Alley that runs along south side is in constant use by the commercial uses for deliveries, customers, and neighborhood traffic.
- The heavy traffic and commercial uses do not make this lot suitable to family living. The heavy traffic and commercial use make it unsafe for children playing.
- The owners will provide for on-site parking for employees and occasional customers. Their mortgage business generates only two customer visits per week at a maximum.
- The owners will install security cameras and lights aimed at the alley to deter criminal activity.
- The owners will provide vegetative buffers along the two side and rear property lines for their neighbors.

If we are unsuccessful in obtaining the zoning change, the only other practical use for this property is as rental property for students or for roommate arrangements. This would create a greater detriment to the neighborhood due to the unpleasant elements that come with this type of tenant, such as excessive noise, increased trash, and additional traffic and street parking.

If I can answer any questions about this project, please feel free to contact me at 791-6439.

Thank you for your consideration,



Luci Gallahan  
Representative for  
Pete Fajkowski and Mike Morales  
Mortgage Portfolio Services  
Outsmart Holdings, LLC

**Aaron W Games, PLLC**  
*Certified Public Accountants & Consultants*

**RECEIVED**

APR 10 2006

April 4, 2006

Neighborhood Planning & Zoning

To Whom It May Concern:

By way of introduction, my name is Aaron W Games, CPA, managing member of Aaron W Games, PLLC, a certified public accounting firm located in northwest Austin, Texas. For the past three years, I have independently audited the financial statements of Outsmart Holdings, LLC ("Outsmart") to accompany their annual filings with the United States Department of Housing and Urban Development ("HUD"). In connection with my audits, I have observed, first hand, the operations, clientele, employees, and offices of Outsmart and would like to comment thereon. I have been released by Pete Fajkowski to provide the following commentary:

Outsmart profitably serves an affluent client base of approximately 10 % Travis County 90% out-of-town and national borrowers and is in the business of brokering mortgage financing between these borrowers and investors located in various locations throughout the State of Texas and the United States. Contact with these parties is accomplished entirely through telecommunications, email, overnight mail, and courier services as a matter of convenience to the borrowers and to facilitate their demanding schedules.

The scope of my audit work requires an annual visit to Outsmart's office. On no occasion have I noted the presence of a client and on all occasions, both Outsmart's personnel and the general office were well presented and very professional in appearance. Additionally, both the interior and exterior working conditions produced no noise level exceeding that of a conversation between professionals.

In my opinion, the principals and professionals of Outsmart Holdings, LLC are respectable people and good citizens, both corporately and privately. I hope my commentary should provide a favorable light by which you may view both the Company and employees. If you should find it necessary to speak with me, please do not hesitate to call.

Very truly,



Aaron W Games, CPA

To: Austin City Council

From: Kent Cole

April 18, 2006

**RECEIVED**

APR 18 2006

Neighborhood Planning & Zoning

Dear Councilmembers,

Re: 505 Deep Eddy zoning change request from SF-3 to NO.

My name is Kent Cole. I own the Magnolia Cafe at 2304 Lake Austin Blvd. I am part owner of the property that Magnolia Cafe sits on. I am the owner of the neighboring office building at 2306 Lake Austin Blvd. These properties are across the alley from the subject property.

A while back I signed a letter from a neighborhood group opposing the granting of the zoning change request. I hereby rescind that signature and offer my support for the change to NO, provided it be accompanied with the restrictions prohibiting expanded use in the future.

Yours truly,



Kent Cole  
1529 Barton Springs Road  
#6  
Austin, Tx 78704  
799-7770

PETITION

RECEIVED

Case C14-06-0012

505 Deep Eddy Avenue

Owners: Peter Fajkowski and Miguel Morales, 477-7116

Agent: Luci Gallahan, 791-6439

City Contact: Jorge Rousselin, NPZ, 974-2975

Proposed Zoning Change from SF-3, single-family residential to NO, neighborhood office.

APR 19 2006

Neighborhood Planning & Zoning

We the undersigned property owners are in favor of the above referenced zoning request.

Name	Address	Signature
1 Christine O'Leary	615 Upsom St #202	[Signature]
2 <del>Luci Gallahan</del> Peter Fajkowski	615 Upsom St #203	[Signature]
3 Reed Kennedy	615 Upsom St, Apt 301	[Signature]
4 Barbara Hawkins	615 Upsom St., Apt 304	[Signature]
5 Ab Maamas	615 Upsom St. Apt 307	[Signature]
6 Jeremy Freeman	2106 <del>W 11th St</del> <del>St</del>	[Signature]
7 Adam Storey	705 Upsom	[Signature]
8 STEVE DEESD	720 Upsom	[Signature]
9 Crockett Vale	803 Meriden Lane	[Signature]
10 Benjamin Bidder	2310 <del>W 12th St</del> SF #7	[Signature]
11 Jallyn Wild	2308 Pruitt St	[Signature]
12 [Signature]	2406 Pruitt St.	[Signature]
13 [Signature]	2415 West 10th	[Signature]
14 [Signature]	2400 Wilbur Dr	[Signature]
15 Eleri Ackerman	2205 W. 12th St.	[Signature]
16 Rebecca Stout	1106 Meriden Ln	[Signature]
17 Lynn Mac Ginn	1104 Meriden Lane	[Signature]
18 Denise Koydz	1105 Meriden Lane	[Signature]
19 Lon Blake	2545 Quarry Hill	[Signature]
20 Ben Keller	2509 Quarry Hill	[Signature]
21 Pat Jones	2510 Quarry Hill	[Signature]
22 Sara Casper	2404 W. 8th	[Signature]
23 [Signature]	2417 W 8th	[Signature]
24 Leslie Laverty	2306 W 8th St.	[Signature]
25 Eric W. Keaton	2310 W. 8th	[Signature]

Case C14-06-0012  
 505 Deep Eddy Avenue  
 Owners: Peter Fajkowski and Miguel Morales, 477-7116  
 Agent: Luci Gallahan, 791-6439  
 City Contact: Jorge Rousselin, NPZ, 974-2975  
 Proposed Zoning Change from SF-3, single-family residential to NO, neighborhood office.

RECEIVED

APR 19 2006

Neighborhood Planning & Zoning

We the undersigned property owners are in favor of the above referenced zoning request.

Name	Address	Signature
26 Jeffrey A. [unclear]	2400 W. 5th St	[Signature]
27 [unclear] Solon	2402 W. 9th	[Signature]
28 Brandon Trigger	904 Possum Trot	[Signature]
29 J. Spalding	2319 W. 9th St	[Signature]
30 Stephen McDonald	2401 Marston Dr.	[Signature]
31 Bill Keenyon	2402 Marston Dr.	[Signature]
32 Tim Nutt	2408 Marston Dr.	[Signature]
33 Daniel Cooley	2408 Marston Dr.	[Signature]
34 Cindy Gomez	8110 NAIRN DR.	[Signature]
35 Albert Heelscher	1011 Wayside Dr	[Signature]
36 [unclear]	1012 Wayside Dr. A	[Signature]
37 [unclear]	1009 WAYSIDE	[Signature]
38 [unclear]	1103 Norwalk Ln	[Signature]
39 James Keller	1105 Norwalk Ln	[Signature]
40 [unclear]	1101 Heritage Hwy	[Signature]
41 [unclear]	2416 W 12th	[Signature]
42 [unclear]	2111 QUARRY RD	[Signature]
43 [unclear]	2801 Grand Road	[Signature]
44 [unclear]	2101 W. 10th St.	[Signature]
45 [unclear]	201 W. 10th St	[Signature]
46 Alissa [unclear]	2110 W. 10th street	[Signature]
47 [unclear]	1405 Meridian Lane	[Signature]
48		
49		
50		



# WEST AUSTIN NEIGHBORHOOD GROUP

P.O. Box 5722 • Austin, Texas 78763-5722

RECEIVED

23 February 2006

FEB 28 2006

FELLOW NEIGHBOR

Neighborhood Planning & Zoning

My name is Blake Tollen and I am Zoning Chair for West Austin Neighborhood Group (WANG). The neighborhood association wants you to know that we are going to oppose the proposed rezoning from Single Family Residential (SF-3) to Neighborhood Office (NO) of the lot at 505 Deep Eddy Avenue. This is the new structure being built behind Thundercloud Subs.

Our basic opposition points is that this is an attempt to push commercial development off Lake Austin Boulevard and into your residential neighborhood. This is a form of spot zoning that we feel could set a very bad precedent that could lead to cascading of commercial projects in your area. There is a long history of involvement by you neighbors and WANG working together to promote, but continue neighborhood oriented commercial development along the Lake Austin Boulevard corridor. AND YOU ARE BEING ASKED TO REPEAL YOUR DEED AGAIN.

All of you receiving this letter will have gotten a notice from the City of Austin Application For a Public Hearing On Rezoning. The Case Number is C-14-06-0017 and the Case Manager is Jorge Rousseau (974-2975). There will first be a hearing at the Zoning and Planning (ZAP) Commission and then a hearing at City Council. When the hearing dates are posted you will be notified and asked for written comments, either for or against the rezoning request. It is very important that you send your written comments in. In the meantime, some of the neighbors in the Deep Eddy area are organizing a petition in opposition to the rezoning. If this petition is deemed valid by the City, it will make the applicant's request for rezoning much more difficult for the ZAP Commission and the City Council to approve. If of course, in the meantime...

Please feel free to contact me with any questions. I am optimistic that together we can stop this rezoning.

Blake Tollen WANG  
505 Deep Eddy  
477-4028, blake.tollen@earthlink.net



**From:** Blake Tollett <tollett-wang@earthlink.net>  
**Date:** February 13, 2006 12:12:57 PM CST  
**To:** WANG ExCom <wang-board@deepeddy.com>  
**Subject:** Re: zoning change for 505 Deep Eddy

**RECEIVED**

FEB 16 2006

**All:**  
In this morning's PO Box:

Neighborhood Planning & Zoning

**C14-06-0012**

**NOTICE OF FILING OF APPLICATION FOR A PUBLIC HEARING ON REZONING**

**Owner:** M.G.E. Development, Inc. (Ian Mitchell) 476-5900

**Agent:** M.G.E. Development, Inc. (Stephanie Redding) 476-5900

**Location:** 505 Deep Eddy

**City Contact:** Jorge Rousselin, NP & ZD 974-2975

**Proposed Zoning Change**

**FROM:** SF-3 Family Residence district is intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. Duplex use is permitted under development standards which maintain single-family neighborhood characteristics. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements.

**TO:** NO Neighborhood Office district is intended for offices predominately serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods. Offices in the NO district would typically locate on collector streets with a minimum of 40 feet off pavement width, and would not unduly affect traffic in the area. The NO district is designed to accommodate small, single-use offices and to encourage and preserve compatibility with existing neighborhoods through renovation and modernization of existing structures.

**PREVIOUS HISTORY WITH WANG:**

**From:** Sara Madera <madera@texas.net>  
**Date:** October 11, 2005 9:08:26 AM CDT  
**To:** "Chris Garrigues" <cwg-wang@Trinsics.Com>, "Blake Tollett" <tollett-wang@earthlink.net>  
**Subject:** 507 Deep Eddy

**Just wondering if that mortgage company is the same one that is running their business out of the house on 7th street next to the East corner at Wayside?**

**Sara**

**From:** Blake Tollett <tollett-wang@earthlink.net>  
**Date:** October 10, 2005 9:19:11 PM CDT  
**To:** WANG ExCom <wang-board@deepeddy.com>  
**Subject:** 3300 Gilbert and 508 (?) Deep Eddy

**All:**

**The variance requests at this address went to the Board of Adjustment. In a last minute compromise between the applicant and the affected neighbors, the following was granted:.....**

**On the house just moved to Deep Eddy from Gilbert and Pecos just north of Thundercloud Subs that we were talking about last Monday, it seems a potential buyer wants to turn the property into a mortgage company office/residence. They would need a zoning change to NO and a parking variance-they say no more than 9 employees. I told them that personally I would vote no, but that they were of course free to pursue the matter.**

**Blake**

**The contact was Jonathan Stilling of Keller-Williams 743-3964**

**From: Joe Bennett <jmb3arch@yahoo.com>  
Date: October 13, 2005 10:03:22 PM CDT  
To: "Michael R. Cannatt!" <mcannatt@hamiltonerrle.com>, Chris Garrigues <cwg-wang@Trnsics.Com>, Blake Tollett <tollett-wang@earthlink.net>  
Cc: WANG ExCom <wang-board@deepeddy.com>  
Subject: RE: 3300 Gilbert and 508 (?) Deep Eddy**

**As I said in the last meeting, I spoke to the developer and realtor. They said the structure got twisted in transit and then the rain ruined the remaining portions moved onto the site. They told me they were planning to take it down to the floor framing and that everything else was ruined costing them thousands of dollars. They also showed me the plans of the house they were planning to build....a maxed out two story house. It looked fairly attractive but now that I think about it, nothing like the original house that they moved onto the site. It seems as though they had always planned to build an original house since they had completed plans drawn up.....most likely a modified version of one they have already built. So I find it hard to believe they had originally planned to restore the original house that they moved onto the site from north Tarrytown. ....As it sits now it is still just the new concrete piers and the floor frame.**

**Joe**

**RECEIVED**

**FFB 16 2006**

**—Original Message—**

**From: Chris Garrigues [mailto:cwg-wang@Trnsics.Com]  
Sent: Tue 10/11/2005 8:31 AM  
To: Blake Tollett  
Cc: WANG ExCom  
Subject: Re: 3300 Gilbert and 508 (?) Deep Eddy**

**Neighborhood Planning & Zoning**

**FYI, the Deep Eddy address is on the odd side of the street, so it's probably 507 or 509. Also, it's so strange...they moved the house there and let it sit for a long time. Then they built foundations under it and removed the roof. Then they removed the exterior walls and just left the framing. Finally they removed the framing and all that's left of the building they moved is the floor. I'm waiting for them to remove that too so all that's left are the concrete piers that they installed.**

**RECEIVED**

FEB 16 2006

**RECEIVED**

FEB 16 2006

Chris

Neighborhood Planning & Zoning

On Feb 12, 2006, at 8:40 PM, Joe Bennett wrote:

Neighborhood Planning & Zoning

Blake,

I met with four neighbors on my street today about the zoning change request for the new house (permitted as a remodel) at 505 Deep Eddy, located behind thundercloud subs. They are pretty upset about what has been being built and the request for a zoning change. Apparently, the original owner/developer who moved the house from Gilbert? on to the property no longer owns the house and has sold it for 700K+/- to MGE Development, Inc. I believe they are the ones wanting a neighborhood office zoning. We walked through the house this afternoon and, in my opinion, it was designed for an office type layout. Many of the "bedrooms" do not have closets, the kitchen is very small and tucked in a corner, enclosed on three sides. There are 5 bathrooms, the stairwell is enclosed. Nothing about the interior of the house is marketable as a family residence. The large upstairs room that looks like it could be the master bedroom has no master closet. It is very obviously designed as an office. We definitely need to keep an eye on this one too. The other thing that always bothers me is the posted permit stated that it was a remodel of an existing residence with a valuation of \$58,000. A bit under estimated. As you know, the permit fee is based upon the construction value estimate. I think the City is missing out on alot of income. There should be a rule that say if the property is sold within a certain period then the permit fee should be adjusted accordingly. Do you know when this zoning hearing might be?

Thanks,  
Joe

**Joseph M. Bennett Architects**

**MOTION:** Today, Monday 13 February 2006, I make a motion to oppose the zoning change request from SF-3 to NO at 505 Deep Eddy. WANG's policy is to restrict NO zoning in this area to the structures along Lake Austin Boulevard.

Blake  
(If this motion passes, I will submit this email to the City for their files on this case.)

**Rousselln, Jorge**

---

**From:** Blake [blake.tollett@earthlink.net]  
**Sent:** Friday, March 03, 2006 10:03 PM  
**To:** Rousselln, Jorge  
**Subject:** Fwd: 505 Deep Eddy/C14-06-0012

Jorge:

Please add this email to the file on this rezoning request.

Blake Tollett-WANG

Begin forwarded message:

**From:** "Stephen Wolff" <swolff98@austin.rr.com>

**Date:** March 3, 2006 11:27:37 AM CST

**To:** <blake.tollett@earthlink.net>

**Cc:** "wolff, stephen" <swolff98@austin.rr.com>

**Subject:** 505 Deep Eddy

**Reply-To:** <swolff98@austin.rr.com>

Hi Blake,

I happily join WANG's opposition to the rezoning. I will support the effort in whatever way I can, including speaking before WANG and the City Council and presenting the photographic evidence I have gathered over the past 2 years. I believe this rezoning request is essentially the developer's blatant disregard of the current zoning designation and a direct challenge to the City Council's authority to enforce ordinances. Perhaps the developer has done cost analysis and believes that merely paying a fee to placate the Council will net more profit in the long run. A reasonable outcome would be a per-day fine, retroactive to the date of the beginning of the construction of the non-compliant structures and continuing until this developer achieves demolition of those parts of the structures not in compliance with SF-3. This would send the strongest message to other developers who are currently or may be considering ignoring zoning requirements in hopes of a weak city council relinquishing their responsibility to stand up for their own rules and the very constituents the zoning was established to protect in the first place. Of course, not all growth is bad... in this case however, my hope is that the City Council will stand strong by deciding they cannot and will not condone a developer brazenly usurping their authority and inviting confrontation by going outside the rules.

Best Regards,

Stephen Wolff

3/6/2006



# WEST AUSTIN NEIGHBORHOOD GROUP

P.O. Box 5722 • Austin, Texas 78763-5722

RECEIVED

MAR 13 2006 12:00 NO

13 March 2006

Neighborhood Planning & Zoning

## REZONING REQUEST AT 505 DEEP EDDY AVENUE C14-06-0012

### HELLO NEIGHBORS

As you all know, the owners of 505 Deep Eddy Avenue, the newly built property behind Thundercloud Subs, is seeking to have the property rezoned from SF (single family residential) to NO (neighborhood office). This intrusion of commercial zoning into the neighborhood is strongly opposed by an overwhelming majority of the residential property owners in the area. A petition against the rezoning is being circulated in the area and so far, 36 signatories representing 30 individual residential properties have registered their opposition to any zoning on this property other than its current zoning of SF-3. That is a strong statement.

As the neighborhood association representative, I encourage everyone who has received the Notice of Public Hearing Rezoning from the City to respond, either in opposition to or in favor of the rezoning, even if you have signed the petition in opposition. Those of you wishing to respond electronically should direct your responses and comments to the City case manager, Jorge Rousseau <Jorge.Rousseau@cityaustintexas>. Be sure to reference the address and case number referenced above. I am also encouraging everyone to attend the Zoning and Planning (ZAP) Commission meeting on 21 March 2006 at 8:00 AM in the new City Council Chamber.

For over twenty years the Deep Eddy residential property owners and West Austin Neighborhood Group have worked to preserve this corner of the neighborhood. We have not opposed the limited commercialization of properties along Lake Austin Boulevard, but this rezoning request is just not supportable.

Let's get together for a brief meeting this coming Sunday the 19th around 4 PM at Thundercloud's to discuss the ZAP Commission meeting. As always, please feel very free to contact me.

Blake Toller WANC  
3701 Bonita Road #701-2002  
477-4008 [blake.toller@earthlink.net](mailto:blake.toller@earthlink.net)



**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings before the Land Use Commission and the City Council. Although applicants and their agents(s), are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact neighborhood or environmental organizations that have expressed an interest in an application affecting your neighborhood. If you have any questions, please call the Planning Department at 787-6611 or 787-6612. During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the city staff's recommendation and public input forwarded by its own recommendation to the City Council. The board or commission addresses specific site and site for the development or combination that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or zone the land for a less intensive zoning than requested but in no case will it grant a more intensive zoning request than that shown on the zoning map. However, it may allow for mixed use development. The Council may also the MIXED USE (MU) COMBINING DISTRICTS to certain commercial districts. The MU Combining Districts allow residential uses in addition to those uses already allowed in the commercial districts. As a result of the MU Combining District follows the combination of offices, retail, medium density residential uses within an urban development district. The City Council may also suspend or suspend any zoning in a district. For additional information, the City of Austin's Land Development process visit our website at [www.ci.austin.tx.us/planning/development](http://www.ci.austin.tx.us/planning/development).

LAND DEVELOPMENT DEPARTMENT

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0012

Contact: Joyce Rousellein, (512) 974-2975  
Public Hearing:

March 21, 2006 Zoning and Platting Commission

Your Name (please print): Susan Bell

Your address(es) affected by this application: 515 Horn St.

Your address(es) affected by this application: 515 Horn St.

Signature: Susan Bell

Date: 3-11-06

Comments: I sent in a letter of objection - Please refer to that letter.

Signature: Susan Bell

Address: 515 Horn St.

City: Austin

State: TX

If you use this form to comment, it may be returned to:

City of Austin  
Neighborhood Planning and Zoning Department  
Joyce Rousellein  
P.O. Box 1086  
Austin, TX 78767-8810

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. YOU may also contact neighborhood or environmental organizations that have expressed an interest in an application affecting your neighborhood. If you have any questions, please contact the City Council. During its public hearing, the board of commission may postpone or continue an application's hearing to a later date, or may evaluate the City Staff's recommendation and public input, forwarding its own recommendation to the City Council. If the board of commission continues a public hearing and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but, in no case will it grant a more intensive zoning request. The City Council may also continue or postpone a hearing. However, an order to allow a mixed-use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to obtain commercial districts. The MU Combining District study allows residents living in addition to those already allowed by the existing commercial zoning districts. As a result of the MU Combining District, the combination of residential, retail, commercial and residential uses within a single development is encouraged. For more information on the MU Combining District, please visit our website at [www.austintexas.gov/development](http://www.austintexas.gov/development).

1-800-338-2275 (TDD) 512-974-2275 (Voice)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0012  
 Contact: Jorge Rouselin, (512) 974-2975  
 Public Hearing  
 March 21, 2006 Planning and Platting Commission



GEORGE S. JAY  
 Your Name (please print)

514 Deep Eddy Ave  
 Your address(es) affected by this application

AUSTIN, TX 78703  
 Signature Date

Comments: *Public Hearing*  
*street is not under highway*  
*not rezoning*

If you use this form for comment, it may be returned to:  
 City of Austin, Planning and Zoning Department  
 Neighborhood Planning and Zoning Department  
 Jorge Rouselin, (512) 974-2975  
 B-04 Box 408  
 Austin, TX 78707-8810

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact neighborhood or environmental organizations that have expressed an interest in an application affecting your neighborhood. During its public hearing, the board or commission may postpone or commit an application's hearing to a later date, or may evaluate the City staff's recommendation and submit a report concerning its own recommendation to the City Council. The board or commission will announce a specific date and time for a postponement or condition that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or postpone the hearing to a later date. A zoning request will be granted if the City Council receives a majority of affirmative votes. If a zoning request is denied, the City Council may allow for mixed-use development. The Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District allows residential development in those areas already allowed in the commercial districts. As a result of the MU Combining District, the combination of offices, retail, commercial and residential uses within a single development site is encouraged. For additional information on the City of Austin's planning and development process, visit our website at [www.austintexas.gov/development](http://www.austintexas.gov/development).

COMMISSION DE VOTANTES

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0012  
 Contact: Jorge Rousselin, (512) 974-2975  
 Public Hearing:  
 March 21, 2006 Zoning and Platting Commission



CHELSTOPNER COGBURA  
 Your Name (please print)

601 DEEP EDDY AVENUE AUSTIN TX 78703  
 Your address(es) affected by this application

*Chris A. ...*  
 Signature Date: 11 MARCH 2006

Comments:  
 - PAVEMENT WIDTH IS INSUFFICIENT  
 - STRUCTURE IS NEW, NOT EXISTING  
 - PROPOSED OFFICE(S) WILL NOT PROVIDE NEIGHBORHOOD / COMMUNITY SERVICES/NEEDS

PROJECT NO. 14-0012  
 PROJECT NAME: ...  
 PROJECT LOCATION: ...  
 PROJECT DATE: ...

If you use this form to comment, it may be returned to:  
 City of Austin  
 Neighborhood Planning and Zoning Department  
 Jorge Rousselin  
 P.O. Box 1088  
 Austin, TX 78767-8810

**PUBLIC HEARING INFORMATION**

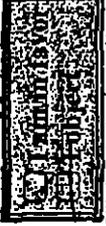
This zoning/zoning request will be reviewed and acted upon at two public hearings before the Land Use Commission and the City Council. Although applicants and their agent(s), are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact neighborhood environmental organizations that have expressed an interest in an application affecting your neighborhood. The hearing will be held on the date and time listed on the notice. During its public hearing, the board of commission may postpone or continue an application's hearing to a later date, or may require the City staff to recommend and public input regarding its own recommendation to the City Council. The board of commission's decision will be made and filed for the Department of Community Affairs not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested. If an applicant will obtain a more intensive zoning, the applicant may also be required to provide a larger sign. However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining Districts simply allow residential development within those areas already allowed in these commercial districts. As a result, the MU Combining District allows the combination of office, retail, restaurants and residential uses within a single development. For more information on the MU Combining Districts, visit our website at [www.ci.austin.tx.us/development/development.htm](http://www.ci.austin.tx.us/development/development.htm) or call 512-974-2000.

LAND DEVELOPMENT DEPARTMENT CITY

Written comments must be submitted to the board of commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board of commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0012  
Contact: Jorge Rousselin, (512) 974-2975  
Public Hearing:  
March 21, 2006 Zoning and Platting Commission



APPLICANT: JIMMY GARCIA CITY  
Your Name (Please Print):

603 DEEP EOPH AVE, AUSTIN TX 78703

Your address(es) affected by this application:

*[Handwritten signature]*  
Signature: *[Handwritten signature]*  
Date: 3/16/06

Comments: At present parking is very limited. Eddy is a professional. Very concerned about quality of work. This new structure will threaten the neighborhood.  
Concerns: This is a new structure built as intended in an area this neighborhood residential. It does not fit the character of the neighborhood. This structure is a threat to the neighborhood.

If you use this form to comment, it may be returned to:  
City of Austin, Department of Community Affairs  
Neighborhood Planning and Zoning Department  
Jorge Rousselin, 2000 Ross Avenue, Austin, TX 78703  
E-Box 1088, Austin, TX 78767-8810

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants, and/or their agent(s), are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in your application affecting your neighborhood. During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may withdraw the City staff's recommendation and prior to forwarding its own recommendation to the City Council. It is the City's policy to accept all applications and to hold public hearings for all applications. If you are unable to attend a public hearing, you may request a written statement of your comments to be included in the public hearing record. If you are unable to attend a public hearing, you may request a written statement of your comments to be included in the public hearing record. If you are unable to attend a public hearing, you may request a written statement of your comments to be included in the public hearing record.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning district. If you are unable to attend a public hearing, you may request a written statement of your comments to be included in the public hearing record. If you are unable to attend a public hearing, you may request a written statement of your comments to be included in the public hearing record. If you are unable to attend a public hearing, you may request a written statement of your comments to be included in the public hearing record.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and this Case Number and the contact person listed on the notice.

Case Number: C14-06-0012  
 Contact: Jorge Rousselle, (512) 974-2975  
 Public Hearings  
 March 21, 2006 Zoning and Platting Commission



Your Name (please print) Jason Entwain  
 Your address(es) affected by this application 605 Deep Eddy Ave  
 Date 3/11/06

Signature [Signature]  
 Comments: We have a very narrow street. The traffic load is already to high - people using the narrow street to cut through. This request will increase the traffic. The owner has already been notified and they are interpreting it as a loss of property. This should not be allowed.

If you use this form to comment, it may be returned to:  
 City of Austin  
 Neighborhood Planning and Zoning Department  
 Jorge Rousselle  
 P.O. Box 108  
 Austin, TX 78767-8810

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings before the Land Use Commission and the City Council. Although applicants and/or their agents are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact neighborhood or environmental organizations that have expressed an interest in any applications affecting your neighborhood. For more information, call (512) 974-2975. During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may withdraw the city staff's recommendation, and public input forwarding its own recommendation to the city council. If the board or commission announces a special time and date for a postponement or continuation that is not more than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land for a less intensive zoning than requested by the case. It can also approve a rezoning request or deny it. However, the council may allow a development to proceed in a rezoned area. The MU Combining District allows the combination of residential and commercial uses within the district. The MU Combining District also allows the combination of office, retail, administrative and professional uses within the district. For more information, visit our website at [www.austintexas.gov/development](http://www.austintexas.gov/development). For additional information on the City of Austin's development process, visit our website at [www.austintexas.gov/development](http://www.austintexas.gov/development).

COMMUNITY PLAN DEVELOPMENT DEPARTMENT

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0012  
 Contact: Jorge Roussellein, (512) 974-2975  
 Public Hearing  
 March 21, 2006 zoning and Platting Commission



Reyna La Herdole  
 Your Name (please print)

601 Deep Eddy Ave.  
 Your address(es) affected by this application

Robando Lata 3/10/06  
 Community Signature Date

Comments

Deep Eddy Ave is a narrow street that only allows parking on one side. It is a constant problem. Increased signage traffic parking helps residents get street in historic hiker's feet contribute to the Urban...

old Austin

If you use this form to comment, it may be returned to: The City of Austin, 1000 Barton Springs Rd, Austin, TX 78704. For more information, visit our website at [www.austintexas.gov/development](http://www.austintexas.gov/development).

**PUBLIC HEARING INFORMATION**

This zoning request will be reviewed and acted upon at two public hearings before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development on-site. You may also contact your neighborhood environmental organization that has expressed an interest in any application affecting your neighborhood. During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. The board or commission's final decision is final and there is no opportunity of reconsideration that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in any case will grant a more intensive zoning than requested. However, this section allows for mixed use development. The Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the commercial zoning districts. A city secretary from the Combining District follows the recommendations of the office, final recommendations and recommendations on other city development projects. For additional information on the City of Austin's development process visit our website at [www.austintexas.gov/development](http://www.austintexas.gov/development).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0012  
 Contact: Jorge Roussein, (512) 974-2975  
 Public Hearing:  
 March 21, 2006 Evening and Platting Commission



JEFF SIKORA  
 Your Name (please print)

612 DEER EDDY  
 Your address(es) affected by this application

Jeff Sikora 3-13-06  
 Signature Date

H.P. PARKING  
 Comment

27 AM. AGAINST MO.  
 Comment

STREET TO IMPROVE  
 Comment

ALDO AND ANTON BIRKHOFF  
RESIDENTS OF  
STREET

If you use this form (comment), it may be returned to:  
 City of Austin  
 Neighborhood Planning and Zoning Department  
 Jorge Roussein, (512) 974-2975  
 P.O. Box 1088  
 Austin, TX 78767-5810

### PUBLIC HEARING INFORMATION

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However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0012

Contact: Jorge Roussein, (512) 974-2975

Public Hearing:

March 21, 2006 Zoning and Platting Commission

ALLEN PECK

Your Name (please print)

511 UPSON ST

Your address(es) affected by this application.

Allen Peck

Signature

13 MARCH 06

Date

Comments: PLEASE DO NOT PERMIT

THIS VARIANCE. THIS WHOLE PROJECT HAS BEEN CONDUCTED IN VIOLATION OF NUMEROUS CITY STATUTES: 1) TOTAL NEW CONSTRUCTION LABELED AS REMODEL

2) LARGE OAK TREE CUT DOWN WITHOUT PERMIT 3) NUMEROUS CODE VIOLATIONS

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Roussein

P. O. Box 1088

Austin, TX 78767-8810



### PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0012

Contact: Jorge Rousselein, (512) 974-2975

Public Hearing:

March 21, 2006 Zoning and Platting Commission

Lidia Agraz

Your Name (please print)

509 WYSON ST

Your address(es) affected by this application

Lidia Agraz

Signature

13 MARCH 2006

Date

Comments: PLEASE DO NOT ALLOW THE

NEIGHBORHOOD TO BE DEGRADED.

PARKING IS ALREADY A PROBLEM IN THE AREA.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselein

P. O. Box 1088

Austin, TX 78767-8810

I am in favor  
 I object

City of Austin  
Zoning and Planning Commission  
P.O. Box 1088  
Austin, TX 78767

**RECEIVED**

MAR 10 2006

Neighborhood Planning & Zoning

March 6, 2006

To Whom It May Concern -

We are writing you in reference to the property located at 505 Deep Eddy, Case #C14-06-0012, to let you know that we are very much opposed to the requested zoning change of SF-3 to NO. We have owned the property and resided at 515 Hearn Street for the last 16 years, and want the commercial zoning to stay out of our fragile little neighborhood, and remain on Lake Austin Blvd. Deep Eddy Street is an extremely narrow street, in fact parking is only allowed on one side of the street, and it can't handle anymore traffic, especially traffic generated from an Office. This is a huge, brand new structure, and we feel this zoning request is very inappropriate, and request that the zoning remain SF-3. Our neighborhood is a very desirable one; homes sell very quickly because there are a lot of families wanting to LIVE in this area. Please do not grant this zoning change!

Thank you for your consideration -

*Susan Bell*  
*David Bell*

Susan and David Bell  
515 Hearn St.  
Austin, TX 78703

**Case Number: C14-06-0012**  
**Contact: Jorge Rousselin, (512) 974-2975**  
**Public Hearing:**  
**March 21, 2006 Zoning and Platting Commission**

I am in favor  
 I object

**Stephen Wolff**  
 Your Name (please print)

**510 Deep Eddy Avenue**  
 Your address(es) affected by this application

**RECEIVED**

**MAR 15 2006**

Signature

Date

Neighborhood Planning & Zoning

**Comments:**

I oppose this zoning change – it is incompatible with the existing neighborhood characteristics and will exacerbate existing problems. The traffic and parking conditions here are very nearly unworkable today. The alley bordering the south of this property has a high volume of sanitation and delivery trucks throughout the day, thus it is often blocked. The 500 and 600 blocks of Deep Eddy are marked no-parking on the east side; that is, the residents have no street parking available in front of their homes, however at any given time of day there are multiple vehicles, typically non-residents, parked in flagrant violation of the postings. This creates hazardous traffic conditions, questionable access for emergency vehicles, and makes 2-way traffic impossible. The west side of Deep Eddy does have limited parking available, however the 500 block in particular is typically occupied throughout the day by employees and patrons of the businesses on Lake Austin Blvd or swimmers who use Deep Eddy Pool (the new EMS station eliminated about 1/3 of the pool parking). The most appropriate rezoning will maintain livability of the neighborhood by prohibiting any increase in traffic and parking impact. Zoning variances in this neighborhood have been opposed and subsequently denied for exactly these reasons. I respectfully suggest that the fitting outcome of this hearing is to rezone 505 Deep Eddy to SF-2 with an additional requirement to maintain the driveway access on Deep Eddy. I hereby request that the Commission consider and implement these options.

**RECEIVED****MAR 21 2006****Rousselln, Jorge****From:** Jon Luckstead [luckstead@yahoo.com]**Sent:** Monday, March 20, 2006 5:34 PM**Neighborhood Planning & Zoning****To:** Rousselln, Jorge**Subject:** Case Number: C14-06-0012 (Proposed Zoning Change at 505 Deep Eddy Avenue)

Dear Jorge Rousselin,

I am writing in reference to a rezoning request with case number C14-06-0012. I oppose rezoning the lot at 505 Deep Eddy Avenue from Single Family Residential (SF-3) to Neighborhood Office (NO). Such rezoning would lower the quality of life for the residents in the Deep Eddy neighborhood, worsen traffic problems for both residents and existing businesses, and threaten a part of Austin's heritage.

I live at 512 Deep Eddy Avenue, across the street and two houses over from 505 Deep Eddy Avenue. I know firsthand that the quality of life in the Deep Eddy neighborhood is negatively impacted because of its proximity to businesses on Lake Austin Boulevard. The location of these businesses results in an unusually large amount of traffic and parked cars along Deep Eddy Avenue for a narrow residential street. Were the buildings on Lake Austin Boulevard all residential, the excessive quantity of traffic and parking would be much more reasonable. Fewer strangers would drive through the neighborhood as well as walk to and from their parked cars. As it is, the current businesses near Deep Eddy Avenue also experience traffic difficulties. The stretch of Deep Eddy Avenue from Lake Austin Boulevard to 505 Deep Eddy Avenue is often ensnared with vehicles trying to get in and out of businesses. I often drive around the block to avoid that area.

Allowing another business not only to establish itself in the area, but also to actually advance into the neighborhood where a residence once existed would only exacerbate the current problems. Furthermore, it could set a precedent for additional harmful development. It would not only be the Deep Eddy neighborhood's loss, but also a true loss to the city of Austin if the historic and placid character of this neighborhood were eroded in such a manner. Many of the homes in this area were built practically a century ago. My house appeared in the neighborhood in 1913.

By all appearances, the developer is now near completion of two unusually large structures at 505 Deep Eddy Avenue that test the limits of SF-3 zoning for the lot's size. Considering the relatively low cost for which the lot (which had a house on it already) was purchased, it is my strong belief that the developer would still receive an enviable financial gain for the development under SF-3 zoning. However, if the lot were rezoned to Neighborhood Office, the Deep Eddy neighborhood would suffer unjustly and the city of Austin would be on its way to losing a distinctive part of its charm. Thank you for your time and consideration in this matter.

Sincerely,

Jon L. Luckstead  
512 Deep Eddy Avenue

---

Brings words and photos together (easily) with  
PhotoMail - it's free and works with Yahoo! Mail.

3/21/2006

**Rousselin, Jorge**

---

**From:** jeannewelch@bellsouth.net  
**Sent:** Tuesday, March 21, 2006 11:02 AM  
**To:** Rousselin, Jorge  
**Cc:** blake.tollett@earthlink.net  
**Subject:** Rezoning Request at 505 Deep Eddy Ave: C14-06-0012

**RECEIVED**

**MAR 21 2006**

**Neighborhood Planning & Zoning**

Dear Mr. Rousselin,

My name is Jeanne Welch and I am the owner of property located at 512 Upson Street. I am in opposition of the rezoning of the property located at 505 Deep Eddy Avenue. I lived on Upson Street for 20 years and love my 1917 arts and crafts bungalow. Unfortunately, the entire atmosphere of my neighborhood has changed with the excessive building of big, ugly houses on Upson as well as surrounding streets in the neighborhood. It is such a shame. What was once a very desirable place for me to live is now ruined.

I certainly understand growth and how healthy it is for the Austin economy. However, the total lack of control of what is being built in my old neighborhood is sickening to me. All throughout old west Austin and the Tarrytown area wonderful little homes are getting raked down or moved and builders are putting up these monstrous oddities. I do not think there is one entire street in these areas that has not been affected.

I cannot attend the ZAP meeting tonight because I now live out of town but I am strongly against any type of rezoning for 505 Deep Eddy Avenue and do not want any more commercial encroachment into my neighborhood.

Sincerely,

Jeanne Welch

**Rousselln, Jorge**

---

**From:** GF [upsondowns@sbcglobal.net]  
**Sent:** Sunday, March 19, 2006 5:22 PM  
**To:** Rousselln, Jorge  
**Subject:** Comments on rezoning request

March 19, 2006

Mr. Jorge Rousselin, Case Manager  
Zoning and Planning Commission  
City of Austin

in re: Case C14-06-0012, 505 Deep Eddy Avenue

Dear Mr. Rousselin:

In reference to the above case my comments are below. Please be certain these are conveyed to the Commission for review of this case the evening of March 21.

I live in and own a residence in the Deep Eddy Heights subdivision at 714 Upson Street. The alley behind my house, which is my primary vehicular access, is an extension of Deep Eddy Avenue. I drive Deep Eddy frequently, at least daily, and am very familiar with both the property at issue and the traffic conditions of Deep Eddy Avenue itself. From a simple reading of the NO zoning classification, as stated in the March 10, 2006 hearing notice for this case, this property fails to meet the "intended" NO criteria on every count:

- 1) The NO criteria state that such "offices...would typically be located on collector streets with a minimum of 40 feet of pavement width..." Although the Deep Eddy Avenue is platted at 44 feet wide, the actual pavement width curb-to-curb is less than 25 feet.
- 2) The criteria continue: "...and would not unduly affect traffic in the area." Traffic in that area is already sufficiently congested, unsafe, and poorly managed, and does not need to be further "affected":
  - a) The sandwich shop to the immediate south of this property, which has inadequate off-street parking, causes heavy congestion at certain times of the day. Its customers park along both sides of Deep Eddy Avenue from Johnson Street to Lake Austin Blvd. (and even out into Lake Austin Blvd.), despite this one-block segment of Deep Eddy being marked on at least one side as "no parking" for its entire distance.
  - b) The entire curb front of the property in question is one such "no parking" zone, and it is difficult to see how any significant additional parking could be squeezed onto the property itself, given that the structure currently under construction there covers most of it.
  - c) There is an alley adjacent to this property, between it and both the sandwich shop and another restaurant facing Lake Austin Blvd. This alley is frequently used (and blocked) by delivery trucks which cause further congestion at the intersection of the alley and Deep Eddy (as well as at the alley's intersection with Upson Street to the east) and on Deep Eddy itself.
  - d) There is another alley directly opposite this property running from Deep Eddy west to Hearn Street, backing business and offices on both sides, another existing source of delivery truck and other business traffic on Deep Eddy.
  - e) The convenience store/gas station across from the sandwich shop, which partially faces the property in question, also generates frequent traffic on and off both Deep Eddy and Lake Austin.
  - f) Given the illegal parking on Deep Eddy, the very heavy traffic on Lake Austin, the alley traffic on both sides of Deep Eddy, and the frequent on-and-off property traffic onto both Deep Eddy and Lake Austin, the intersection of

4/13/2006

those two streets is already a sufficiently unsafe intersection and the scene of many accidents. It does not need additional traffic, illegal parking, and the attendant congestion from further commercial expansion into the neighborhood.

3) The NO district criteria also state that they are "designed to accommodate small, single-use offices and to encourage and preserve compatibility with existing neighborhoods through renovation and modernization of existing structures":

a) The structure in question is neither a renovation nor a modernization. It is an entirely new structure from the ground up, commenced on a cleared lot, and still under construction.

b) Though a substantial business could conceivably make a "single-use" of this structure, the structure itself can hardly be classified as "small", most particularly in the context of adjacent structures.

c) Given the great size and overall character of this structure whether used as a residence or as an office, the general question of "compatibility" does not even merit consideration.

4) Finally, the NO definition states that it "is intended for offices predominantly serving neighborhood or community needs...." The owner's stated plans for this structure, whatever they may be, should be accepted with an understanding that the owner has exhibited what could charitably be called uncertainty about its true plans since the property was purchased nearly 1-1/2 years ago. The original structure, a single-storey rent house, was removed and replaced with another house which was moved to the site from some other location. This second structure, after being deposited on the site, spent several months in a dilapidated state with pieces of house-moving paraphenalia scattered about the yard before being stripped to its frame. After another extended time the remaining structure was dismantled down to the floor joists and left thus on new concrete piers. After a further period of time, these last vestiges of a structure were dismantled and removed, and work on the new structure began.

From the exterior this third and final structure is clearly a substantial residence with a garage apartment attached, whatever its original intended use actually was. The placing of such a grand residence in such a location is puzzling. Its southern flank overlooks the back of the sandwich shop and of the other restaurant, as well as parking lots, the alley, trash containers, grease pits, refrigeration equipment, delivery trucks, and the normal noises and smells of the foodservice business. Across the street from the property is the convenience store/gas station with its attendant smells, vehicle traffic, and lighting. Also directly across the street is the other alley serving other businesses.

Thus the current owner can hardly claim it was unaware of the immediate environs, nor that it has innocently created a de facto "hardship" for itself without understanding beforehand the incongruence of such stateliness in such environs, never mind in the neighborhood at large.

Nor is it clear why it has now applied for NO zoning while ignoring the very plain language of the NO criteria, nor why it expects this zoning change to office use after committing itself to a costly residential structure.

The City has a simple choice. It can affirm that it honors its own stated zoning criteria. Or it can reward the owner for this conduct, to the further detriment of the neighborhood.

Sincerely,

Grant Fehr  
714 Upson Street  
Austin

4/13/2006

**Rousselin, Jorge**

---

**From:** Jon Luckstead [luckstead@yahoo.com]  
**Sent:** Monday, March 20, 2006 5:34 PM  
**To:** Rousselin, Jorge  
**Subject:** Case Number: C14-06-0012 (Proposed Zoning Change at 505 Deep Eddy Avenue)

Dear Jorge Rousselin,

I am writing in reference to a rezoning request with case number C14-06-0012. I oppose rezoning the lot at 505 Deep Eddy Avenue from Single Family Residential (SF-3) to Neighborhood Office (NO). Such rezoning would lower the quality of life for the residents in the Deep Eddy neighborhood, worsen traffic problems for both residents and existing businesses, and threaten a part of Austin's heritage.

I live at 512 Deep Eddy Avenue, across the street and two houses over from 505 Deep Eddy Avenue. I know firsthand that the quality of life in the Deep Eddy neighborhood is negatively impacted because of its proximity to businesses on Lake Austin Boulevard. The location of these businesses results in an unusually large amount of traffic and parked cars along Deep Eddy Avenue for a narrow residential street. Were the buildings on Lake Austin Boulevard all residential, the excessive quantity of traffic and parking would be much more reasonable. Fewer strangers would drive through the neighborhood as well as walk to and from their parked cars. As it is, the current businesses near Deep Eddy Avenue also experience traffic difficulties. The stretch of Deep Eddy Avenue from Lake Austin Boulevard to 505 Deep Eddy Avenue is often ensnared with vehicles trying to get in and out of businesses. I often drive around the block to avoid that area.

Allowing another business not only to establish itself in the area, but also to actually advance into the neighborhood where a residence once existed would only exacerbate the current problems. Furthermore, it could set a precedent for additional harmful development. It would not only be the Deep Eddy neighborhood's loss, but also a true loss to the city of Austin if the historic and placid character of this neighborhood were eroded in such a manner. Many of the homes in this area were built practically a century ago. My house appeared in the neighborhood in 1913.

By all appearances, the developer is now near completion of two unusually large structures at 505 Deep Eddy Avenue that test the limits of SF-3 zoning for the lot's size. Considering the relatively low cost for which the lot (which had a house on it already) was purchased, it is my strong belief that the developer would still receive an enviable financial gain for the development under SF-3 zoning. However, if the lot were rezoned to Neighborhood Office, the Deep Eddy neighborhood would suffer unjustly and the city of Austin would be on its way to losing a distinctive part of its charm. Thank you for your time and consideration in this matter.

Sincerely,

Jon L. Luckstead  
512 Deep Eddy Avenue

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Brings words and photos together (easily) with  
PhotoMail - it's free and works with Yahoo! Mail.

4/13/2006

**Rousselin, Jorge**

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**From:** jeannewelch@bellsouth.net  
**Sent:** Tuesday, March 21, 2006 11:02 AM  
**To:** Rousselin, Jorge  
**Cc:** blake.tollett@earthlink.net  
**Subject:** Rezoning Request at 505 Deep Eddy Ave: C14-06-0012

Dear Mr. Rousselin,

My name is Jeanne Welch and I am the owner of property located at 512 Upson Street. I am in opposition of the rezoning of the property located at 505 Deep Eddy Avenue. I lived on Upson Street for 20 years and love my 1917 arts and crafts bungalow. Unfortunately, the entire atmosphere of my neighborhood has changed with the excessive building of big, ugly houses on Upson as well as surrounding streets in the neighborhood. It is such a shame. What was once a very desirable place for me to live is now ruined.

I certainly understand growth and how healthy it is for the Austin economy. However, the total lack of control of what is being built in my old neighborhood is sickening to me. All throughout old west Austin and the Tarrytown area wonderful little homes are getting raked down or moved and builders are putting up these monstrous oddities. I do not think there is one entire street in these areas that has not been affected.

I cannot attend the ZAP meeting tonight because I now live out of town but I am strongly against any type of rezoning for 505 Deep Eddy Avenue and do not want any more commercial encroachment into my neighborhood.

Sincerely,

Jeanne Welch

**Rousselin, Jorge**

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**From:** jeannewelch@bellsouth.net  
**Sent:** Tuesday, March 21, 2006 11:02 AM  
**To:** Rousselin, Jorge  
**Cc:** blake.tollett@earthlink.net  
**Subject:** Rezoning Request at 505 Deep Eddy Ave: C14-06-0012

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I cannot attend the ZAP meeting tonight because I now live out of town but I am strongly against any type of rezoning for 505 Deep Eddy Avenue and do not want any more commercial encroachment into my neighborhood.

Sincerely,

Jeanne Welch

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:  
[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0012  
Contact: Jorge Roussetlin, (512) 974-2975  
Public Hearing:  
March 21, 2006 Zoning and Platting Commission



BIRMA DE LEAR  
Your Name (please print)

504 WASON ST  
Your address(es) affected by this application

Birna De Lear 4-13-06  
Signature Date

Comments: This is a rezoning idea!  
This is a residential neighborhood & any  
encroachment of commercial uses  
is not preferred.

**RECEIVED**

APR 18 2006

Neighborhood Planning & Zoning

If you use this form to comment, it may be returned to:  
City of Austin  
Neighborhood Planning and Zoning Department  
Jorge Roussetlin  
P. O. Box 1088  
Austin, TX 78767-8810



# WEST AUSTIN NEIGHBORHOOD GROUP

P.O. Box 5722 • Austin, Texas 78763-5722

RECEIVED

APR 28 2006

26 April 2006

Neighborhood Planning & Zoning

RE: 505 Deep Eddy Avenue (G41-06-0012)

Fellow Neighbors

It was shaping up to be quite a battle last Thursday at City Council. The mortgage company seeking the commercial rezoning had 45 people in attendance on their side, although none of them lived in the Deep Eddy area and were probably employees of one sort or another. Our side in opposition had 15 people present and of those, I was the only one not from the Deep Eddy area. As the case was being called, they asked for a postponement to late July, but we fought back and it is now scheduled for Thursday 18 May, again at 4 PM. They are going to use this time to work on you and the Council because they want to use this building as their office. It is a matter of substantial money to them.

Right now we are in a good position. Both City Staff and the Zoning and Planning Commission have recommended against this rezoning, and most importantly we have a valid petition in opposition. Fajkowski and Morales, through their agent Luci Gallahan, will probably concentrate on breaking this petition. All is fair here, even the offering of money to repudiate your signature in opposition. I am asking everyone to stand firm, but if you change your mind, please tell me. The owners of over 70% of the property within 300 feet of the building are in opposition, but we can always use more signatures. I am sending petitions to those of you who have not officially registered your opposition by petition, and we are asking for your support. Please sign and send it back to me and I will file it with the City.

Most of you will be receiving a notification of Variance Requests concerning this property being heard by the Board of Adjustment on May 8, 2006. Fajkowski and Morales are asking to increase the Code allowed number of "home office" employees from 1 to 10 and to increase the impervious ground cover from Code allowed 45% to 70% so they can build parking spaces for the employees. This is a backdoor effort to establish a commercial office in the building. The neighborhood association will be discussing this request at our next scheduled meeting on Monday, May 1st, at Howson Branch Library (Bowman and Exposition) around 7PM. Please feel free to attend. I will be urging the ExComm to oppose the

West Austin Neighborhood Group  
 Organized 1973  
 TO PRESERVE OUR NEIGHBORHOOD AND PROTECT IT FROM DEVELOPERS  
 OFFICERS  
 Erik Cary, President  
 Gwen Lewis, President Elect  
 Michael Carnahan, Past President  
 August Harris, Secretary  
 Michael Falk, Treasurer  
 BOARD MEMBERS  
 Joyce Passtrand  
 Joseph Bennett  
 George Edwards  
 Michael Falk  
 Mal Katz  
 Kathy Mc  
 Susan Rasco  
 Ken Ringer  
 Blake Tollett  
 HOWSON COMMITTEE MEMBERS  
 Mary Arnold  
 Angela Black  
 Hon. Will Wynn

Supporting Members of Our Group include:  
 Austin Public Library, Austin Public Library

requested variances, and I am sure they would like to hear from you, the affected neighbors. With this letter I am including an advance copy of the City's notification letter. On the reverse is a form to register your opinion of the requests, and I urge everyone to return the form to the City address, and of course, if possible, come to the Board of Adjustment meeting.

I know this is getting to be a long drawn out process; postponements and delays are legitimate tactics, but they can be frustrating. The solid and unwavering neighbor opposition has been a great benefit for our side. It has been my pleasure to represent the neighborhood association in this fight.

As always, please feel very free to contact me.

Sincerely,



Blake Tollett - West Austin Neighborhood Group  
3701 Bonnie Road 78703-2002  
479-4028; [blake.tollett@earthlink.net](mailto:blake.tollett@earthlink.net)



## NOTICE OF PUBLIC HEARING LAND DEVELOPMENT CODE VARIANCE

**Mailing Date: April 27, 2006**

**Case Number: C15-06-065**

Please be advised that the City of Austin has received an application for a variance of the Land Development Code.

**Owner: Peter Fajkowski & Miguel Morales**

**Telephone: 477-7116**

**Agent: Luci Gallahan**

**Telephone: 791-6439**

**Address and/or Legal Description of Requested Variance:  
505 Deep Eddy**

**Variance Request(s):** The applicant has requested a variance to increase the maximum number of employees allowed for a home occupation use requirement of Section 25-2-900 (C) from one person to 10 persons for a duplex residential use with a home occupation use in a "SF-3", Family Residence zoning district. The Land Development Code states that participation in a home occupation is limited to occupants of the dwelling unit, except that one person who is not an occupant may participate in a medical, professional, administrative, or business office if off-street parking is provided for that person.

The applicant has requested a variance to increase the maximum impervious coverage requirement of Section 25-2-492 (D) from 45% to 70% in order to add employee parking on site for a duplex residential use with a home occupation use in a "SF-3", Family Residence zoning district.

This application is scheduled to be heard by the Board of Adjustment on May 8, 2006. The meeting will be held at 301 W. 2<sup>nd</sup> Street beginning at 5:30 p.m.

You are being notified because City Ordinance requires that all property owners within 300 feet of the proposed development and affected neighborhood organizations be notified when an application is scheduled for a public hearing. If you have any questions concerning this application, please contact Susan Walker of the Watershed Protection & Development Review Department at 974-2202 and refer to the Case Number at the top right of this notice.

For additional information on the City of Austin's land development process, please visit our web site [www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development).

**Rousselin, Jorge**

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**From:** Blake [blake.tollett@earthlink.net]  
**Sent:** Wednesday, May 10, 2006 3:59 PM  
**To:** Harden, Jol; Rousselin, Jorge  
**Cc:** WANG ExCom  
**Subject:** Waiver From IDR; BP-06-3753R; 505 Deep Eddy Avenue

**RECEIVED**

10 May 2006  
TO: Mayor and Council, City Of Austin  
FROM: West Austin Neighborhood Group (WANG)  
RE: BP-06-3753R; 505 Deep Eddy Avenue

MAY 10 2006

Neighborhood Planning & Zoning

Mayor and Council:

The Executive Committee (ExComm) of WANG, at its regularly scheduled meeting on 1 May 2006, voted to oppose the granting by Council of the above referenced waiver from the Interim development regulations. We ask the Council to not grant the waiver.

The Staff report issued to Council in an ongoing companion rezoning request on this property, C14-06-0012, combined with testimony from the original developer of the property, Ian Mitchell, at the ZAP Commission hearing on C14-06-0012, shows a picture of blatant disregard of the building codes. The current owners of the property, Fajkowski and Morales, are intricately tied to Mitchell and are not a third party with "clean hands". Jonathan Stilling of Keller-Williams Realty, the representative of Fajkowski and Morales, approached WANG in early October 2005 with the idea of rezoning the property commercial. They were told they would face stiff opposition. Mitchell pulled an erroneously applied for and currently voided building permit to "remodel...create duplex" on 11/18/05 (BP 05020701). A rezoning request on the property was filed in January 2006 by Mitchell. At the ZAP Commission hearing on the request, Mitchell stated that he built the structure to the specifications of Fajkowski and Morales. He also stated that the original structure had been razed and a completely new structure had been erected. In its unanimous denial of recommendation for rezoning, the ZAP Commission instructed staff to rescind BP

05020701 and require that a new building permit, not a remodel permit, be applied for. It was after this decision that title to the property passed from Mitchell to Fajkowski and Morales.

WANG realizes that to deny the waiver from the Interim development regulations will have serious financial, and possibly legal, consequences, for many parties. On the other hand, this is a flagrant and glaring disregard of the City of Austin's codes, processes and rules. The original (and current) intent for the structure existing at 505 Deep Eddy has always been for commercial use. That is why there is a rezoning request on this property as well an ongoing back-up request for a variance from the home office code requirements if the rezoning request is denied. The waiver process is intended to provide equitable relief for residential plans that were underway at the time the Interim rules were enacted; that is not the case here. A request for waiver predicated on fairness and equity requires some basis.

Thank you for your work and time.

Blake Tollett-West Austin Neighborhood Group  
3701 Bonnie Road 78703-2002; 477-4028

cc: Jol Harden-Watershed Protection & Development Review  
Jorge Rousselin-Neighborhood Planning & Zoning

# PETITION

Case Number:

**C14-06-0012**  
805 DEEP EDDY AVE

Date:

Apr. 18, 2006

Total Area within 200' of subject tract: (sq. ft.)

206,002.33

1	<u>01-1006-0407</u>	<u>MCPMAHON JOHN P</u> <u>AGRAZ LIDIA &amp; ALLEN</u>	<u>6,281.36</u>	<u>3.05%</u>
2	<u>01-1006-0408</u>	<u>PECK</u>	<u>4,534.12</u>	<u>2.21%</u>
3	<u>01-1006-0704</u>	<u>WOMMACK AGNES D</u> <u>HAGGERTY MICHAEL</u>	<u>12,686.95</u>	<u>6.19%</u>
4	<u>01-1006-0708</u>	<u>GAMBLE</u> <u>DICKENS LEWIS E. &amp;</u>	<u>14,647.41</u>	<u>7.14%</u>
5	<u>01-1006-0710</u>	<u>MARGARET N</u>	<u>17,561.82</u>	<u>8.57%</u>
6	<u>01-1006-0711</u>	<u>ROCHEL J J</u> <u>HEFLEY MICHAEL L &amp;</u>	<u>16,560.04</u>	<u>8.08%</u>
7	<u>01-1006-0713</u>	<u>DOROTHY Q</u> <u>SCOTT GEORGE</u>	<u>3,864.93</u>	<u>1.89%</u>
8	<u>01-1006-1201</u>	<u>CLINGER</u>	<u>2,977.40</u>	<u>1.45%</u>
9	<u>01-1006-1202</u>	<u>LUCKSTEAD JON L</u>	<u>6,771.52</u>	<u>3.30%</u>
10	<u>01-1006-1203</u>	<u>WOLFF STEPHEN A</u>	<u>8,243.15</u>	<u>4.02%</u>
11	<u>01-1006-1204</u>	<u>SIKES JEV &amp; SYDNOR</u>	<u>10,014.04</u>	<u>4.88%</u>
12	<u>01-1006-1205</u>	<u>AL-SAYYED INC</u>	<u>27,407.72</u>	<u>13.37%</u>
13				<u>0.00%</u>
14				<u>0.00%</u>
15				<u>0.00%</u>
16				<u>0.00%</u>
17				<u>0.00%</u>
18				<u>0.00%</u>
19				<u>0.00%</u>
20				<u>0.00%</u>
21				<u>0.00%</u>
22				<u>0.00%</u>
23				<u>0.00%</u>
24				<u>0.00%</u>
25				<u>0.00%</u>

Validated By:

Stacy Meeks

Total Area of Petitioner:

131,530.46

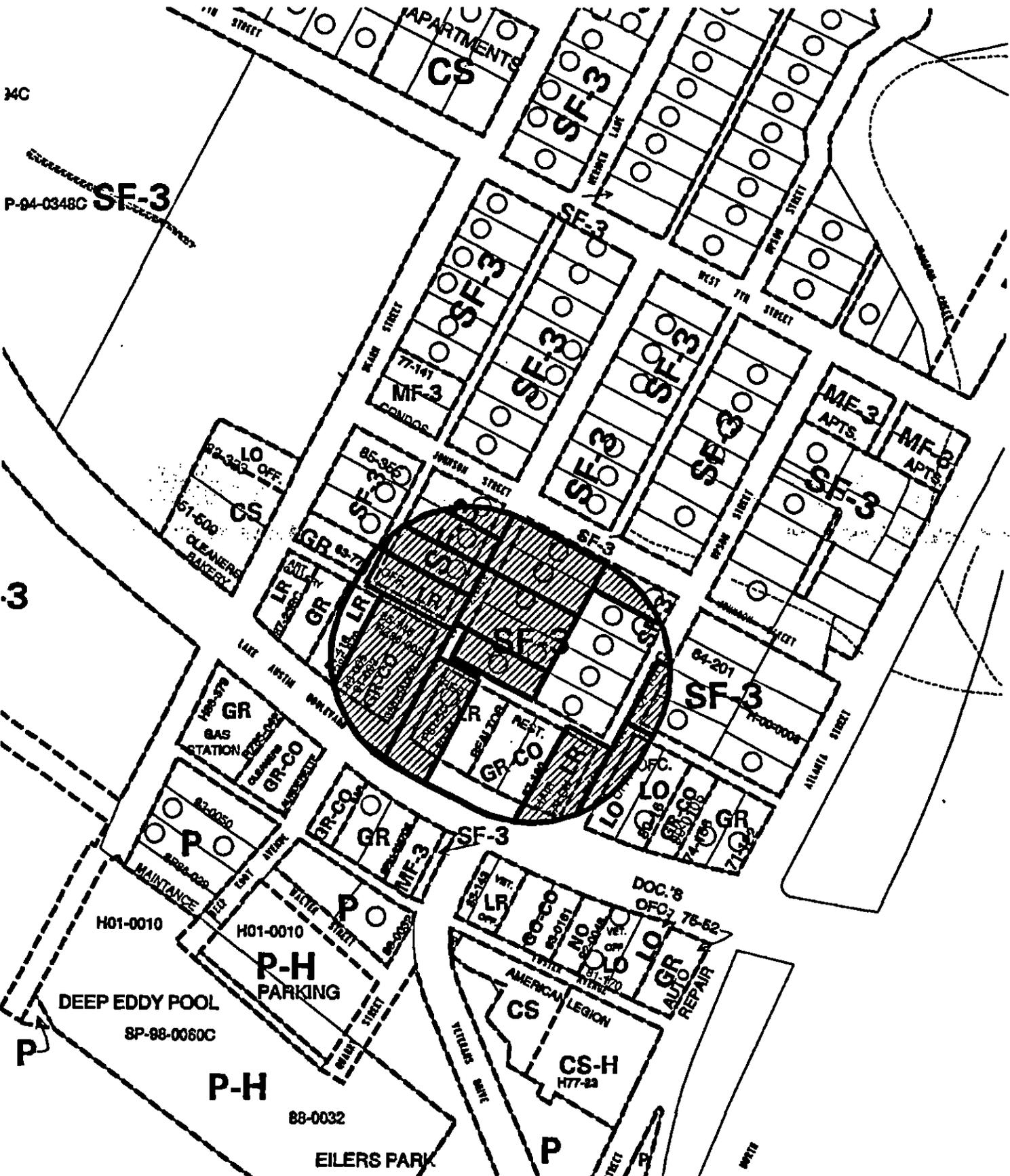
Total %

64.16%

34C

P-94-0348C

SF-3



 1" = 200'	<b>SUBJECT TRACT</b> 	<b>PETITIONS</b> CASE #: C14-06-0012 ADDRESS: 505 DEEP EDDY AVE SUBJECT AREA (acres): 0.174	CITY GRID REFERENCE NUMBER <b>G23</b>	
	<b>PENDING CASE</b> 			DATE: 06-04
	<b>ZONING BOUNDARY</b> 			INTLS: SM
	<b>CASE MGR: JROUSSELIN</b>			

PETITION

RECEIVED

4 MARCH 2006

MAR 13 2006

C14-06-0012

NOTICE OF FILING OF APPLICATION FOR A PUBLIC HEARING ON REZONING

OWNER: M.G.E. DEVELOPMENT, INC. (IAN MITCHELL) 476-5900

AGENT: M.G.E. DEVELOPMENT, INC. (STEPHANIE REDDING) 476-5900

LOCATION: 505 DEEP EDDY

CITY CONTACT: JORGE ROUSSELIN, NP & ZD 974-2975

PROPOSED ZONING CHANGE

FROM: SF-3 FAMILY RESIDENCE DISTRICT IS INTENDED AS AN AREA FOR MODERATE DENSITY SINGLE-FAMILY RESIDENTIAL USE, WITH A MINIMUM LOT SIZE OF 5,750 SQUARE FEET. DUPLEX USE IS PERMITTED UNDER DEVELOPMENT STANDARDS THAT MAINTAIN SINGLE-FAMILY NEIGHBORHOOD CHARACTERISTICS. THIS DISTRICT IS APPROPRIATE FOR EXISTING SINGLE-FAMILY NEIGHBORHOODS HAVING TYPICALLY MODERATE SIZED LOT PATTERNS, AS WELL AS FOR DEVELOPMENT OF ADDITIONAL FAMILY HOUSING AREAS WITH MINIMUM LAND REQUIREMENTS.

TO: NO NEIGHBORHOOD OFFICE DISTRICT IS INTENDED FOR OFFICES PREDOMINATELY SERVING NEIGHBORHOOD OR COMMUNITY NEEDS, WHICH MAY BE LOCATED WITHIN OR ADJACENT TO RESIDENTIAL NEIGHBORHOODS. OFFICES IN THE NO DISTRICT WOULD TYPICALLY LOCATE ON COLLECTOR STREETS WITH A MINIMUM OF 40 FEET OFF PAVEMENT WIDTH, AND WOULD NOT UNDULY AFFECT TRAFFIC IN THE AREA. THE NO DISTRICT IS DESIGNED TO ACCOMMODATE SMALL, SINGLE-USE OFFICES AND TO ENCOURAGE AND PRESERVE COMPATIBILITY WITH EXISTING NEIGHBORHOODS THROUGH RENOVATION AND MODERNIZATION OF EXISTING STRUCTURES.

WE THE UNDERSIGNED PROPERTY OWNERS ARE OPPOSED TO THE ABOVE REFERENCED ZONING REQUEST FOR 505 DEEP EDDY AVENUE AND ARE OPPOSED TO ANY ZONING ON THE PROPERTY OTHER THAN SF-3.

THE PROPOSED REZONING CHANGE IS SPOT ZONING THAT WOULD PLACE COMMERCIAL ZONING IN A CURRENTLY STABLE AND HEALTHY RESIDENTIAL NEIGHBORHOOD.

	NAME	ADDRESS	SIGNATURE
1	Sharon E. Greenhill	612 Deep Eddy Ave	[Signature]
2	Stephen Wolff	510 Deep Eddy Ave	[Signature]
3	Margaret N Dickens	507 Deep Eddy Ave	[Signature]
4	Lewis E. Dickens	507 Deep Eddy Ave	[Signature]
5	Chris Gungyus	509 Deep Eddy	[Signature]
6	Regina A. Lauderdale	609 Deep Eddy	[Signature]
7	JJ RUTHEL	511 Deep Eddy	[Signature]

NEIGHBORHOOD CONTACT: BLAKE TOLLETT, WEST AUSTIN NEIGHBORHOOD GROUP  
3701 BONNIE ROAD 78703-2002  
477-4028 TOLLETT-WANG@EARTH.LINK.NET

PETITION

4 MARCH 2006

C14-06-0012

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AGENT: M.G.E. DEVELOPMENT, INC. (STEPHANIE REDDING) 476-5900

LOCATION: 505 DEEP EDDY

CITY CONTACT: JORGE ROUSSELIN, NP & ZD 974-2975

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	NAME	ADDRESS	SIGNATURE
8	Nancy Nunn	602 Deep Eddy	Nancy Nunn
9	ALLEN PECK	511 UPSON ST	Allen Peck
10	Lidia Arzte	509 UPSON ST	Lidia Arzte
11	Howard Chapple	603 Upsan* A	Howard Chapple
12	Nicole Dunaway	608 Upsan st	Nicole Dunaway
has anyone called 13	TRAVIS DUNAWAY	608 UPSON ST.	Travis Dunaway
14	JEFF SIKORA	612 DEEP EDDY	Jeff Sikora
15	Amy Moran	608 Deep Eddy	Amy Moran

NEIGHBORHOOD CONTACT: BLAKE TOLLETT, WEST AUSTIN NEIGHBORHOOD GROUP  
3701 BONNIE ROAD 78703-2002  
477-4028 TOLLETT-WANG@EARTHLINK.NET

PETITION

4 MARCH 2006

C14-06-0012

NOTICE OF FILING OF APPLICATION FOR A PUBLIC HEARING ON REZONING

OWNER: M.G.E. DEVELOPMENT, INC. (IAN MITCHELL) 476-8900

AGENT: M.G.E. DEVELOPMENT, INC. (STEPHANIE REDDING) 476-5900

LOCATION: 505 DEEP EDDY

CITY CONTACT: JORGE ROUSSELIN, NP & ZD 974-2975

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	NAME	ADDRESS	SIGNATURE
16	JOE BENNETT	607 DEEP EDDY	Joe Bennett
17	Rebecca Gainsky	605 Deep Eddy	R. Gainsky
18	Bernard Kuman	602 DEEP EDDY	Bernard Kuman
19	Jason Trantwein	605 Deep Eddy	Jason Trantwein
20	Michael Hefley	514 Upson	Michael Hefley
21	Chris Walton	513 Upson	Chris Walton
22	(DOROTHY HEFLEY) Dorothy Hefley	514 Upson	Dorothy Hefley
23	Amber Bennett	607 Deep Eddy	Amber Bennett

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	PRINT NAME	ADDRESS	SIGNATURE
24	Martha McClain	600 Deep Eddy Ave.	<i>Martha McClain</i>
25	Gwend Fehr	714 Upson St.	<i>Gwend Fehr</i>
26	Scott Poyds	606 V P Son <sup>Scott Poyds</sup>	<i>Scott Poyds</i>
27	Jon L. Luckstead	512 Deep Eddy Ave.	<i>Jon Luckstead</i>
28	John Moran	608 Deep Eddy	<i>John Moran</i>
29	DON NICTER	614 DEEPEDDY	<i>Don Nictier</i>
30	Susan Bell	515 Hearn St	<i>Susan Bell</i>
31	Annette Pizzini	612 Upson St	<i>Annette M. Pizzi</i>

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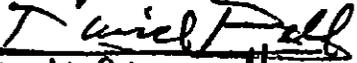
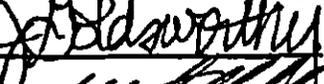
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32	CHRIS COGBURN	601 DEEP EDDY AVE AUSTIN TX 78703	
33	George Scott	514 Deep Eddy Ave 78703	
34	DAVID BELL	515 HEARN AUSTIN 78703	
35	Jennifer Goldsworthy	603 DEEP EDDY AVE AUSTIN, TX 78703	
36	MARK GOLDSWORTHY	603 DEEP EDDY AVE, AUSTIN, TX	

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NAME	ADDRESS	SIGNATURE
AGNES KOMMACK	2300 LAKE AUSTIN BLVD	<i>[Signature]</i>
<i>[Signature]</i>	2208 Lake Austin Blvd	<i>[Signature]</i>
Melk Alsayyed	2462 Lake Austin Blvd	<i>[Signature]</i>
Melk Alsayyed	2407 Lake Austin Blvd	<i>[Signature]</i>

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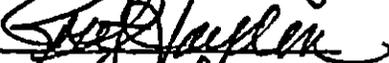
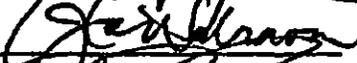
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NAME	ADDRESS	SIGNATURE
Joey Holan	573 Hearst St	
Sara Belknap	601 Hearst St	
David Belknap	601 Hearst St	
Joe Kuffen	411 Deep Eddy Ave	
Joe Whitraven	611 Deep Eddy Ave	
TOMAS PONTIN	615 Deep Eddy	

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NAME	ADDRESS	SIGNATURE
Mike Haggerty	2308 Lake Austin Blvd	Mike Haggerty
Jen Sikes	508 Deep Eddy	Jen Sikes

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NAME	ADDRESS	SIGNATURE
Kent Cole	2302-B Lake Austin Bv	

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